

00110529



1845/46
Civil and S
Ind 110 1389

110529 ac

INDEX

TO THE

ACTS FOR 1844.

19 of
stamp like in the order

GOD

349.0954

End / Ind

110529

Bx-K-2

I N D E X

TO THE
ACTS OF THE GOVERNMENT OF INDIA,
FOR 1844.

A.	Act.	Section.	Clause.	Territorial Scope of the Acts.
Act IX. George IV.—so much of—as respects the period of the execution of persons con- victed of murder, shall cease to have effect in the East India Company's Territories. See Execution.	X.	I.	.....	H. M.'s Courts.
„ XXVII. of 1837—Section I. of—repealed.	XVI.	I.	.....	Bombay.
„ I. of 1838—Section XLIII. of—repealed, ...	„	III.	.....	
'See Salt.				
„ I. of 1838—so much of Sche- dule A of—as provides for the levy of a duty of 8 Annas per maund of Salt imported by Sea, and so much of Sche- dule B as permits such Salt to be exported free,— repealed, ...	„	V.	.....	
Acts of Government of India as vest the Judges of Circuit, Commissioners of Circuit, Superintendents of Police and the Sudder Nizamut				



J

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Adawlut with control over Jails, Prisoners and Establish- ments, and places of banish- ment and transportation of prisoners, repealed,.. .. See Regulations and Jails.	XVIII.	I.	.....	Presidency of Fort William.
Act XIV. of 1839, relating to the emigration of Natives from Calcutta, Madras and Bombay to Jamaica, British Guiana, and Trinidad, repeal- ed,.. .. See Emigration.	XXI.	I.	.....	General.
Administration of the State of Colaba—See Colaba.				
Advances bonâ fide made to Agents intrusted with the possession of Goods or Docu- ments of Title thereto, pro- tected, and contracts made with such Agents to be binding upon Agents by the extension to the Company's Territories of Statute 5 and 6, Vict. Cap. 39, „ Bonâ fide Deposit of Goods made in exchange to such Agents to be considered as effectual as advances made in money, but in such case no lien shall be acquired be- yond the value of the Goods given up, ... „ The Statute to be construed to protect only transactions	XX.	I.	.....	H. M.'s Courts.
	„	II.		

bonâ



	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
bonâ fide without notice that the Agent pledging is acting without authority or malâ fide against the Owner,.....	XX.	III.		
Advances. Meaning of the term "Document of Title"—when Agent to be deemed intrusted and when in possession of Goods, and what to be deemed a contract or agreement and advance. Possession prima facie evidence of intrusting, ...	"	IV.		
„ Agent's Civil responsibility for breach of duty or contract not to be diminished, ...	"	V.		
„ Agent making consignments, deposits, transfers or delivery of Goods contrary to instruction of principal, guilty of misdemeanor, as also persons assisting the Agent in such proceedings. The Agent not liable to prosecution if the deposits or transfers do not exceed the sums owing to the Agent by the Principal, ...	"	VI.		
„ Owner may redeem Goods pledged by the Agent, or recover balance of proceeds from persons with whom they may have been pledged.				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
In case of Bankruptcy or Insolvency of the Agent, owner to prove for amount paid to redeem, or for value of Goods if unredeemed, ...	XX.	VII.		
Advances — Interpretation of terms used in this Act, ...	„	VIII.		
„ Not to affect contracts made before the passing of this Act, ...	„	IX.		
Agents—Bonâ fide advances made to—intrusted with Goods or Documents of Title thereto by owners thereof, protected—See Advances.				
Appeals to the Queen in Council—Expense of preparing copies in English of the proceedings in cases of—from the judgments of the Sudder Dewanny to be borne by the prosecuting parties, ...	II.	I.	.....	General.
Appeals not admissible till deposit within proper time of a sufficient sum for covering expence of making copies, ...	„	II.	.....	General.
„ Summary—may be received by Zillah or City Judges from orders of Principal Sudder Ameens or Sudder Ameens rejecting original suits instituted in their respective Courts.	IX.	IV.	.....	General.
See Principal Sudder Ameens and Sudder Ameens.				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
B.				
Ballootee Taxes—See Town Duties, .....	.....	.....	.....	Bombay.
Benares — withdrawal of the circulation of Trisoollee Pyce from the Province of—See Trisoollee Pyce.				
Bombay — State of Colaba placed under Agent to the Governor of. See Colaba.				
Bombay Marine—See Navy.				
British Guiana—Emigration of Natives of the Company's Territories to—See Emigration,	.....	.....	.....	General.
C.				
Carnatic—Privileges of the Nabob of the—the Nabob Regent, their respective families, dependants and retinue, protected,..... See Nabob.	.....	.....	.....	Madras.
Cesses upon Trades and Professions, ... See Town Duties.	.....	.....	.....	Bombay.
Colaba—State of—Placed under administration of an Agent to be appointed by the Governor of Bombay in Council, and its boundary defined, „ Governor in Council may prescribe rules for the guidance of the Agent and his	XVII.	I.	.....	Bombay.

INDEX TO THE

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
subordinate Officers and determine the judicial powers of the Agent in Civil and Criminal trials, ...	XVII.	II.	.....	Bombay.
Colaba—Foujdary Udalut to pass final judgment on trials referred by the Agent as in ordinary course,.....	„	III.	.....	„
„ Sudder Udalut to try Appeals from the Agent's decree in the same manner as Appeals from Zillah Courts,.....	„	IV.	.....	„
„ Portions of the lapsed Territory of—not included within the defined boundaries to be subject to the Laws and Regulations by which the portions of the Bombay Territories may be governed, to which such portions of the lapsed Territory may be contiguous, ...	„	V.		
Commissioners of Circuit relieved of their control and superintendence over Jails, Prisoners, &c.—See Jails.				
Copper Coins—See Trisoollee Pyce.				
Copper Coins—the issue of—of different weights regulated, ——— Such Pyce shall be legal tender for what value,	XXII.	I.	.....	General.
„ Those of weights mentioned in Section I. of this Act issued	„	II.		

since

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
since Act XXI. of 1835, shall be legal tender for the value specified in Section II.,	XXII.	III.		
Copper Coins—shall not be legal tender but for fractions of a Rupee, ...	„	IV.		
Corporal punishment substituted for imprisonment in certain cases, ...	III.	I,	.....	Presidency of Fort William.
See Larceny.				
Cotton Manufactures and Silk and Cotton mixed with other material of Foreign produce—Import Duty on—modified, See Duty,	XV.	.....	.....	General.
Courts Martial in the Indian Navy—See Navy.				
Criminal Business—Dispatch of—facilitated in the Supreme Court at Calcutta—				
• See Supreme Court.				
Customs Duties—Regulations of Madras Code imposing Transit or Inland—under the Madras Presidency, rescinded, ...	VI.	I.	.....	Madras.
„ Regulations of same Code imposing Sea Customs Duties, rescinded, ...	„	II.		
See Regulations.				
„ The foregoing not to prevent the levy of any Municipal Tax, or Toll on Bridges, Roads, Canals, Piers or Causeways, or any fee for Light Houses, ...	„	III.		

Custom

INDEX TO THE

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Customs Duties—to be levied on Goods imported by Sea into the Presidency of Fort St. George, ...	VI.	IV.		
„to be levied on Goods ex- ported by Sea from ditto, ...	„	V.		
„to be levied on Goods pass- ing by Land into or out of Foreign European Settle- ments, adjacent to the Pre- sidency of Fort St. George,	„	VI.		
„The Governor in Council may declare by notice in the Gazette, the Territory of Native Chiefs, beyond the jurisdiction of the Courts to be Foreign, ...	„	VII.		
„Chokees may be established for the levy of Duties on Goods passing into or out of Foreign Territory. Powers of Officers of such Chokees defined. Goods not to be allowed to pass without a Certificate of Duty paid in full,	„	VIII.		
„The Governor in Council may appoint Officers to col- lect Duties and to grant Cer- tificates of payments. If the Goods do not correspond with the Certificate what course to be adopted, ...	„	IX.		
„The Appointment of Officers to receive—on the frontier to				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
be notified in the Official Gazette. Such Officers shall grant Certificates on receipt of the proper Duty,.....	VI.	X.		
Customs Duties—Certificates not to bear date more than thirty days before the arrival of the Goods. Certificates not used may be renewed, ...	„	XI.		
„ Routes by which Goods may cross the land frontier to be notified in the Official Gazette. Goods brought by other Routes liable to detention or confiscation, ...	„	XII.		
„ Goods crossing frontier clandestinely to be confiscated, ...	„	XIII.		
„ Penalty for Officer permitting Goods to cross the frontier without Certificate or by prohibited Route,.....	„	XIV.		
„ Penalty for a Chokee Officer needlessly injuring Goods or wrongfully detaining them,...	„	XV.		
„ Goods imported by Sea from Foreign European Settlements or Native States declared Foreign, to be liable to Duties leviable on Foreign Bottoms, ...	„	XVI.		
„ No Dutiable Goods entered in either of the Schedules of this Act to be exempted unless under special order of				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Government. Customs Col- lectors may pass free any baggage in actual use,.....	VI.	XVII.		
Customs Duties—Under what circumstances Goods may be imported duty free from any other Madras Port, ...	„	XVIII.		
„ Credit may be given at any Madras Port for duties paid at any other British Indian Port on Goods imported from thence, ...	„	XIX.		
„ Governor in Council to no- tify from time to time in the Official Gazette, the valua- tion of Articles liable to ad valorem Duty, ...	„	XX.		
„ When no value has been fixed or declared on any Goods passed for importation and exportation Duty to be levied according to the Mar- ket value, ...	„	XXI.		
„ The market value on ad valo- rem Goods how and by whom to be declared. Written applications to be made for the passing of Goods. What the application to contain, ...	„	XXII.		
„ Declaration of Market value to be submitted to Appraising Officer who shall counter- sign it if correct. The Col- lector may purchase under-				

	<i>Act.</i>	<i>Section</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
valued Goods at the price declared, ...	VI.	XXIII.		
Customs Duties—Government to notify in the Official Ga- zette the Ports for landing and shipping Merchandize; Goods landing at other Ports to be confiscated, ...	„	XXIV.		
„ Manifests of Cargo to be sent in by Masters of Vessels on arrival. The Governor in Council may appoint places beyond which no inward bound Vessel, excepting cer- tain Country Craft, shall pass until the Master has forwarded the Manifest of Cargo, ...	„	XXV.		
„ Penalty for a Master deliver ing a Manifest not contain- ing a full and true specifica- tion of Cargo and for Goods found on board in excess of the Manifest or differing in any respect from the specifi- cation in the Manifest, ...	„	XXVI.		
„ Masters of inward bound Vessels remaining outside of the places fixed, shall deliver Manifests to the pro- per person first coming on board. Penalty for the Master refusing to deliver a Manifest, ...	„	XXVII.		

Customs

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Customs Duties—No Vessel to break bulk until the Collector of Customs has received Ship's papers, ...	VI.	XXVIII.		
„ Goods moved from or put on board of any Vessel without due entry previously made in the Custom House, or permission given for discharge of Cargo, to be seized as contraband. Goods attempted to be landed or put on board in contravention of this Act how to be dealt with, ...	„	XXIX.		
„ Penalty on Masters if Cargo do not correspond with their Manifest, or if Goods sent out of the Vessel be not landed at the prescribed places. Provision for the amendment of obvious errors in Manifest of Cargo, ...	„	XXX.		
„ One or more places in every Port to be appointed for the landing and shipment of Goods. Goods landing at or shipping from any other place without special permission to be confiscated, ...	„	XXXI.		
„ The Governor in Council may license Boats for landing or shipping Merchandize after Notification : Goods				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
found on any other Boats except under special permit to be liable to confiscation,...	VI.	XXXII.		
Customs Duties—After Notification the Collector may station Customs Officers on board of any Vessel, ...		XXXIII		
„Penalty for the Master of a Vessel refusing to receive and accommodate such Officer, ...	„	XXXIV		
„Collectors of Customs may issue warrant to search any Vessel. Powers of an Officer bearing such warrant. Penalty for any Master of a Vessel resisting Officer with warrant for search, ...	„	XXXV.		
„Penalty for a Master removing or putting on board Goods between sunset and sunrise, or when the Custom House is closed, without leave from Collector, ...	„	XXXVI.		
„Export Cargo Boats without permits not allowed to lie alongside Vessels on which Customs Officers are stationed—Goods on such Boats not covered by a Pass to be liable to confiscation, ...	„	XXXVII.		
„In the removal of Goods from on board any Vessel a Boat Note to be sent with each separate dispatch. Goods liable				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
to confiscation if found without a Boat Note, or out of the track between the Vessel and the proper place of landing, Customs Duties—Goods brought to be passed through Custom House for importation or exportation if not corresponding with the description in the application liable to confiscation, ...	VI.	XXXVIII.		
„ Goods liable to confiscation if removed with fraudulent intention after landing, and before passing through the Custom House, ...	„	XXXIX.		
„ Collector of Customs may require Goods in bulk to be weighed or measured before landing, and levy duty accordingly, ...	„	XL.		
„ Rescinding Clause 2, Section 11, Regulation I. of 1805 of the Madras Code, ...	„	XLI.		
„ Fixing the price to be paid for Salt within the Madras Presidency, ...	„	XLII.		
„ The Governor General in Council may grant a remission of this price, ...	„	XLIII.		
„ Salt having paid the Home consumption price may be landed free at any other Madras Port under Certificate, ..	„	XLIV.		
	„	XLV.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Customs Duties—Limited period allowed for discharge of Import Cargo of Vessel on which Customs Officer may be stationed, ...	VI.	XLVI.		
„ Period limited for discharging Cargo from any Vessel, without a Customs Officer on board. Goods remaining on board after the period allowed to be landed and warehoused by order of Customs Collector, who, with consent of Master of Vessel, may cause packages to be deposited in the Government Warehouses, and may sell Goods if not cleared within the period specified,.....	„	XLVII.		
„ Period limited for putting Export Cargo on board, ...	„	XLVIII.		
„ Penalty for putting Goods on board a Vessel after Customs Officer's removal therefrom, and before one has again been placed thereon, ...	„	XLIX.		
„ A Port Clearance to be granted to the Master of every Vessel on Certificate of all public demands against him having been satisfied,.....	„	L.		
„ Rules for levying Duty on Goods passed through Custom				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
House for shipment after grant of Port Clearance, ...	VI.	LI.		
Customs Duties — Cargo of Vessels putting back from stress of weather or damage, and compelled to reland Cargo, to be taken charge of by Customs Officers, and lodged in such place as the Collector may direct. Such Cargo may be landed as im- ported Goods, the Export Duty being refunded. Pe- nalty for a Master putting back into Port without Goods on which Drawback has been allowed,.....	„	LII.		
„ On Goods relanded before the lading is complete to be refunded but not after grant of Port Clearance unless the Vessel has put back, ...	„	LIII.		
„ Penalty on Coasting and Country Craft for contraven- ing such Rules as Governor in Council may lay down for their regulation,.....	„	LIV.		
„ Specification of Native Craft to be treated like Coasting Craft of the British Terri- tories, ...	„	LV.		
„ No Drawback allowed on Goods shipped on such Na- tive Craft,.....	„	LVI.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Customs Duties—Goods re-exported in the same Vessel not subject to Duty, which to be levied on transhipped Goods as if they had been landed and re-exported, ...	VI.	LVII.		
„ Goods liable to confiscation if transhipped without special licence from Collector, ...	„	LVIII.		
„ Customs Officers to superintend transhipment, ...	„	LIX.		
„ The Collector competent to adjudge confiscations, ...	„	LX.		
„ The Collector may exact payment of fine by refusing grant of Port Clearance, ...	„	LXI.		
„ Empowering Collectors of Customs to decide upon cases of seizure and to adjudge damages; to mitigate penalty of confiscation to the extent of duty, and to distribute part proceeds of sale of confiscated Goods in rewards among seizing Officers, ...	„	LXII.		
„ All Officers of Customs amenable to the Civil Courts, for damages on account of any executive acts. No suits shall lie against Collectors or other Officers for judicial award in matter of Customs, ...	„	LXIII.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Customs Duties—Penalty for obstructing Customs Officers in the exercise of their powers;	VI.	LXIV.		
„Penalty for Customs Officer receiving consideration for doing or for bearing to do any official act, ...	„	LXV.		
„Penalty for a Customs Officer concerned in defrauding the Customs Revenue, ...	„	LXVI.		
„Penalty for exacting Customs or Duties without authority, as a Customs Officer, ...	„	LXVII.		
„Governor in Council may transfer the powers of Collector of Customs to any other Officer, and may make rules and appoint Officers to carry this Act into effect, and fix rates for Wharfage and rent, ...	„	LXVIII.		
„Schedules A. to C.				
Customs Duty on Cotton or Silk Manufactures and Silk and Cotton mixed with any other material.—See Duty, .....	.....	.....	.....	General.
D.				
Dacoits—Regulation IX. of 1808 of the Bengal Code relating to Sirdars of Gangs of—repealed, ...	IV.	.....	.....	Presidency of Fort William. Duties

	<i>Act.</i>	<i>Section.</i>	<i>Claues.</i>	<i>Territorial Scope of the Acts.</i>
Duties—Town—within Bom- bay Presidency abolished.— See Town Duties.				
Duty—rates of—levied under Article 17, Schedule A. in Act XIV. of 1836, Article 18 of Schedule A. in Act I. of 1838, and Article 19 of Schedule A. in Act VI. of 1844, how to be hereafter charged on the Import of all Foreign Manufactures of Silk or Cotton and of Silk and Cotton mixed with any other material, ... Duty (Customs) Transit or In- land—abolished within the Madras Presidency—See Cus- toms Duties. „on Imports and Exports by Sea within the Madras Presi- dency—See Customs Duties. „or Salt manufactured within on imported by Sea into the Bombay Presidency— See Salt.	XV.	.....	.....	General.
E.				
Emigration of Natives—Act XIV. of 1839 repealed, except as it relates to ports other than Calcutta, Madras and Bombay, and to Emigrants				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
proceeding to other places than Jamaica, British Guiana, Trinidad and Mauritius, ...	XXI.	I.		General.
Emigration—Emigrants may be conveyed to Jamaica, British Guiana and Trinidad from the Ports of Calcutta, Madras and Bombay, ...	„	II.		
„ Governments of the several Presidencies may authorize persons nominated by the Governments of Jamaica, British Guiana or Trini- dad to act as Emigration Agents, who shall make monthly Reports to the Go- vernments to which they are subordinate, ...	„	III.		
„ Governments of the several Presidencies may nominate persons to act as Protector of Emigrants, ...	„	IV.		
„ Emigrants shall not be con- veyed without a License from Government. What fee to be levied per Emigrant. Masters of Ships carrying Emigrants how to be bound over—Penalty for conveying Emigrants without a License,	„	V.		
„ No Licensed Vessels shall receive on board Emigrants without a pass from the Emigration Agent, ...	„	VI.		

Emigration

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Emigration—A Certificate from the Agent containing certain particulars necessary before the clearing out of Ships carrying Emigrants,.....	XXI.	VII.		
„ Probable lengths of Voyages of Ships from Calcutta, Madras and Bombay to Jamaica, British Guiana and Trinidad, ...	„	VIII.		
„ Masters of Ships to deliver to the Agent before clearing out a list of the kind indicated and to obtain a duplicate thereof, ...	„	IX.		
„ Penalty for Masters clearing their Ships having Emigrants on board without complying with the particulars before mentioned, ...	„	X.		
„ Penalty for Masters of Ships taking on board after clearance, Emigrants whose names are not entered in the lists aforesaid, ...	„	XI.		
„ Penalty for Masters of Ships cleared for Jamaica, British Guiana or Trinidad, committing acts by which the Certificate obtained by them becomes inapplicable to the altered state of the Ship or Passengers or other matters, ...	„	XII.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Emigration—Powers vested by Law in Customs Officers to be exercised by them for the prevention of illegal embarkation of Emigrants and other offences. Pilots vested with the same powers as Preventive Officers of Customs in this behalf, ...	XXI.	XIII.		
„ Attempts by unfair means to export Natives how punishable, ...	„	XIV.		
„ Duties required of the Preventive Officer of Customs and Pilot on board Vessels cleared from Calcutta for Jamaica, British Guiana and Trinidad, in order to prevent embarkation of additional Emigrants. Penalty for Customs Officers and Pilots making improper reports or conniving at the unauthorized conveyance of Emigrants, ...	„	XV.		
„ Forgery of Documents required by this Act how punishable, ...	„	XVI.		
„ Penalties how to be enforced from Masters of Ships, ... <i>Articles of Schedule in Act XXI. of 1844.</i>	„	XVII.		
„ 1. Emigration Agents by whom to be appointed.				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Emigration—2. Agents how to be remunerated.				
„ 3. Agents to see that no Laborers are induced to emigrate by fraud, false or unreasonable expectation, and that they are aware of the distance of their destination.				
„ 4. Number of Passengers how to be proportioned to the Tonnage of Vessels. Particular accommodations requisite in such Vessels.				
„ 5. Number of Passengers how to be computed as regards children.				
„ 6. Ships how to be supplied with Provisions and Water for the consumption of the Passengers.				
„ 7. Provisions and Water to be surveyed by a competent person both as to quality and quantity, as also the quality of the Vessel.				
„ 8. Masters to supply Provisions to Emigrants and their families during the voyage and for a space of 48 hours after the Vessel's arrival at her destination.				
„ 9. Masters of Ships to be supplied with two copies of these Regulations, one of				

which

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
which to be produced to any Passenger requesting it for perusal.				
Emigration—10. The Master to deliver to the Agent a list in duplicate, with certain particulars respecting the Emigrants, the counterpart of which to be made over to the Master, who shall deliver it to the Protector of Emigrants on arrival at the Vessel's destination.				
„ 11. These Regulations not to apply to Ships in the Service of the Lords Commissioners of the Admiralty, or Her Majesty's Ships of War.				
Equity—Evidence in cases of— See Evidence.				
Evidence—Incapacity of Witnesses from Crime or interest no bar to give—in any Civil or Criminal actions in Her Majesty's Courts. This Act not to repeal any Provisions in Act XXV. of 1838. Defendants or Co-defendants in any cause in Equity may be examined as a Witness on the behalf of the Plaintiff, ...	VII.	I.	.....	H. M.'s Courts.
„ This Act not to affect any suit, action or proceeding commenced before its passing,	„	II.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Excise Duty on Salts manu- factured within the Bombay Presidency—See Salt.				
Execution of persons convicted of Murder in Her Majesty's Courts—Law respecting the period of—Amended,..... See Acts.	X.	I.	.....	H. M.'s Courts.
„ Sentence of death may be pronounced after conviction for murder by any of the Judges of Her Majesty's Courts in the same manner as after convictions for other Capital Offences, ...	„	II.		
Exports by Sea from the Pre- sidency of Fort St. George. —See Customs Duties.				
F.				
Followers of the East India Company's Forces imprison- ed under sentence of a Court Martial. The Gover- nor or Governor in Council of any Presidency may order the removal of—from one Prison to another within the Presidency under his Go- vernment, to undergo the remainder of his Sentence,... See Native Officers and Soldiers.	VIII.	.....	.....	General.

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
G.				
Gang Robbery—Regulation IX of 1808 of the Bengal Code relating to, repealed, ...	IV.	.....	.....	Presidency of Fort William.
I.				
Import Duty on Foreign Ma- nufactures of Silk and Cotton, or of Cotton and Silk mixed with any other materials, modified, ... See Duty.	XV.	.....	.....	General.
Import of Goods by Sea into the Madras Presidency—See Customs Duties.				
Import Duty on Salt within the Bombay Presidency— See Salt.				
Imprisonment for life—Offen- ders sentenced to—to be also sentenced to transportation beyond Sea for life—See Sudder Courts.				
Indian Navy—better observance of discipline in the—See Navy.				
Inland Customs Duties under the Madras Presidency— abolished, ... See Regulations.	VI.	I.	.....	Madras.

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
J.				
Jails—Regulations of the Bengal Code or Acts of the Government of India, vesting Judges of Circuit, Commissioners of Circuit, Superintendents of Police and the Sudder Nizamut Adawlut, with control over—Prisoners and Establishments thereof— and the places of banishment or transportation of Prisoners, repealed, ...	XVIII.	I.	.....	Presidency of Fort William.
„ The whole of the said control vested in Magistrates and Joint Magistrates acting under instructions of the Zillah and City Judges, and subject to orders of their respective local Governments, ...	„	II.		
„ Removal of Native Officers, Soldiers and Followers sentenced to imprisonment from one Prison to another— See Native Officers.				
Jamaica—Emigration of Natives of the East Indies to— See Emigration.				
Judges of Circuit—Acts and Regulations vesting — with control over Jails within the Presidency of Fort William				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
the prisoners therein, &c., repealed—See Jails.				
K.				
Kusub Veeras—See Town Du- ties, .....	.....	.....	.....	Bombay.
L.				
Larceny—(petty)—In cases of — Corporal Punishment substituted for imprisonment,	III.	I.	.....	Presidency of Fort William.
„ Offenders of tender age cor- porally punishable for thefts in the way of School dis- cipline, ...	„	II.		
„ Females exempted from cor- poral punishment. No other punishment to be superadded to corporal punishment, ...	„	III.		
Law of Evidence in Her Ma- jesty's Courts improved—See Evidence.				
Lotteries not authorized by Government declared illegal,	V.	I.	.....	General.
„ Persons how punishable for drawing such, ...	„	II.		
„ Persons how punishable for encouraging, or publishing proposals for or being impli- cated in such, ...	„	III.		
„ Fines incurred under this Act how disposable, ...	„	IV.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
M. Madras—abolition of Transit and Inland Customs, and revision of Import and Export Customs Duties at — See Customs. Marines in the Indian Navy —See Navy. Mohturfas—See Town Duties. Mookauts—upon Trades and Professions within the Bombay Presidency, abolished, ... See Town Duties. Murder—Execution of persons convicted of—in Her Majesty's Courts in India—See Execution.				
	.....	.....	.....	Bombay.
N. Nabob of the Carnatic—Family, Household and Retinue of the—protected from liability to Civil and Criminal process. Lists of the persons belonging to the Family, Household and Retinue of the Nabob or Nabob Regent to be published from time to time,..... „ Writ or Process sued forth against the person or property of the—or of the Nabob	I.	I.	.....	Madras.

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Regent, or of any person named in the list last pub- lished shall be null and void, unless the Writ be sued forth with the consent of the Governor in Council,.....	I.	II.	.....	Madras.
Nabob of the Carnatic—Lists to be furnished from time to time to the Governor Gene- ral in Council, and the Go- ver in Council shall follow directions he may receive from the former respecting the persons included in such lists and matters subject to this Act,.....	„	III.		
„ This Act not to interfere with any privilege conferred on the—the Nabob Regent, their respective Families, &c. &c. by the Treaty with the Nabob, ...	„	IV.		
Native Officers or Soldiers or Followers belonging to the East India Company's Forces imprisoned under sentence of a Court Martial—Gover- nor or Governor in Council of any Presidency may order the removal of any—from one Prison to another within the Presidency of his Govern- ment to undergo the remain- der of his sentence, ...	VIII.	.....	.....	General.

	<i>Act.</i>	<i>Section</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Navy—Indian—Discipline of— improved,.....	XII.	I.	.....	Bombay.
„ Divine Service according to the Liturgy of the Church of England to be performed in all Ships of War of the Com- pany, and the Lord's Day to be observed,.....	„	„	1.	
„ Persons belonging to the— guilty of profane oaths, curs- ing, execrations, unclean- liness or other scandalous actions, how punishable, ...	„	„	2.	
„ Persons giving or holding intelligence to, or with any Enemy or Rebel without leave from proper authorities, how punishable,.....	„	„	3.	
„ Persons not acquainting their Superior Officers within 12 hours with any letter or message received by them from any Enemy or Rebel, and the Superior Officers not revealing the same to the Officer Commanding in Chief —within convenient time, how punishable,.....	„	„	4.	
„ Spies found within the Com- pany's Territories with any Seducing Letters or Mes- sages from any Enemy or Rebel, or endeavouring to corrupt any person belong- ing to—how punishable, ...	„	„	5.	

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Navy—Indian—Penalty for persons belonging to—relieving an Enemy or Rebel, with Money, Victuals, Powder, Shots, Ammunition or any other Supplies, ...	XII.	I.	6.	
„ Penalty for persons not delivering entirely and without fraud to the Court of Admiralty, or other Court of Commissioners, Papers, Charter Parties, Bills of Lading, Passports and other Writings seized in any Ship taken as prize, ...	„	„	7.	
„ Penalty for persons taking out of any Ship seized for Prize, any Money, Plate or Goods, except for certain objects, before the same be adjudged lawful prize, ...	„	„	8.	
„ Penalty for persons ill using or robbing Officers, Marines or others in Ships taken as prize, ...	„	„	9.	
„ Penalty for Superior Officers belonging to—not making preparations or encouraging the inferior Officers to fight upon signal or order or upon likelihood of engagement; and for persons yielding or crying for quarter, ...	„	„	10.	
„ Persons not obeying the orders of their Superior Officers,				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
or using endeavours for assailing or making defence against any Fleet or Ship how punishable, ...	XII.	I.	11.	
Navy—Indian — Persons who through cowardice, negligence or disaffection shall not perform their duty in time of action in taking or assisting Ships how punishable, ...	„	„	12.	
„ Penalty for persons not pursuing the chase of any Enemy, Pirate or Rebel, or relieving a known friend in view through cowardice, negligence or disaffection, ...	„	„	13.	
„ Penalty for persons delaying or discouraging others in action upon pretence of arrears of wages or any other pretence, ...	„	„	14.	
„ Penalty for persons deserting to any Enemy, Pirate or Rebel, or running away with or yielding up Ships, or any Ordnance, Ammunition, Stores or Provisions belonging thereto, ...	„	„	15.	
„ Persons deserting or enticing others to desert how punishable. Penalty for Commanding Officers of Company's Ships of War receiving Deserters from any other Ship				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
of Her Majesty or the Com- pany, and not giving notice thereof to the Captain of the Ship to which such Deserter belongs or to the Government or the Officer Commanding in Chief,.....	XII.	I.	16.	
Navy — Indian — Penalty for Officers and Seamen of Ships appointed for Con- voy and Guard of Mer- chant Ships, not defending the Ships and Goods in their Convoy — or exacting any Money for Convoing of any Ships, or misus- ing Masters or Mariners thereof, ...	”	”	17.	
„ Penalty for Captains or other Officers receiving on board any Goods or Merchandize than for the use of their Ships, except Gold, Silver, or Jewels, or Goods from wrecks, ...	”	”	18.	
„ Penalty for persons making any mutinous assembly or uttering any words of sedition or mutiny—also for persons behaving with contempt to their Superior Officers, ...	”	”	19.	
„ Penalty for persons conceal- ing any transactions or muti- nous practice or design, and any traitorous or mutinous				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
words spoken by any or any design tending to Her Majesty's prejudice,—also for persons not endeavouring to suppress any mutiny or sedition,.....	XII.	I.	20.	
Navy — Indian — Penalty for persons stirring up a distur- bance upon a pretence of unwholesome victuals, ...	"	"	21.	
„ Penalty for persons striking or lifting up weapons against their Superior Officers in the execution of their office, or quarrelling with or disobey- ing any command of their Superior Officers, ...	"	"	22.	
„ Penalty for persons quarrel- ling or fighting with others or using provoking language or gestures, ...	"	"	23.	
„ Penalty for embezzlement or wasteful expense of Powder, Ammunition or other Stores,	"	"	24.	
„ Penalty for persons setting fire to any Magazine, or Store of Powder, or Ship, Boat, Ketch, Hoy, or Vessel, &c. &c. not appertaining to any Enemy, Pirate or Rebel, ...	"	"	25.	
„ Penalty for Vessels stranded or run upon rocks or sands, or split or hazarded through wilful negligence or other defaults, ...	"	"	26.	

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Navy—Indian—Penalty for persons sleeping upon their watch, or negligently performing their duty or forsaking their Station, ...	XII.	I.	27.	
„ Murders committed by persons belonging to—punishable with death,.....	„	„	28.	
„ Penalty for persons committing unnatural crimes with man or beast, ...	„	„	29.	
„ Penalty for committing robbery,.....	„	„	30.	
„ Penalty for persons making or signing a false muster or musterbook, or commanding, counselling, procuring, or aiding or abetting the making or signing thereof, ...	„	„	31.	
„ Penalty for persons refusing to apprehend any Criminal, or to receive or keep any prisoner or suffering him to escape,—Captains, Officers and others shall endeavour to detect, apprehend and bring to punishment all offenders upon pain of being punished by a Court Martial, ...	„	„	32.	
„ Penalty for a Superior Officer, Captain or Commander, or Lieutenant, convicted of behaving in certain respects in a manner unbecoming the character of an Officer, ...	„	„	33.	

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Navy — Indian — Persons in actual service and full pay guilty of Mutiny, Desertion or Disobedience to lawful commands in any part of the Company's Territories on shore, how punishable, ...	XII.	I.	34.	
„ Persons in actual service and full pay, committing upon shore out of the Company's Territories any of the crimes punishable by these Articles, how to be tried and punished, ...	„	I.	35.	
„ Period of imprisonment of persons convicted of any offence limited to two years, ...	„	II.		
„ Local jurisdiction of Courts Martial constituted under this Act for punishing or trying offences, defined, ...	„	III.		
„ Courts Martial not to punish or try any Land Officer or Soldier on board any Transport Ship, ...	„	IV.		
„ Governor General and Governors in Council may grant Commissions to Officers Commanding in Chief to call and assemble Courts Martial, and the same how to be constituted, ...	„	V.	.....	General.
„ No Commander in Chief of any Fleet or Squadron con-				

sisting

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
sisting of more than five Ships shall preside at any Court Martial, but the Officer next in command shall, ...	XII.	VI.		
Navy — Indian — The Senior Officer of three or more Ships in any foreign parts, not under rank of a Commander, may hold and preside over Courts Martial, ...	„	VII.		
„ In case of its being objectionable for the person next in command to the Senior Officer or Commander in Chief of any Fleet or Foreign parts, to hold or preside over Courts Martial, the third Officer in command may supply his place, ...	„	VIII.		
„ Courts Martial to compose of what number of Officers, ...	„	IX.		
„ Form of Oath to be taken by Members of the Courts Martial and the same by whom to be administered, ...	„	X.		
„ Penalty for persons refusing to give evidence or prevaricate therein or behave with contempt to a Court Martial. Persons committing perjury or subornation of perjury to be prosecuted in Her Majesty's Courts by indictment or information, ...	„	XI.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Navy—Indian — Informations or Indictments how to be pro- secuted for any such Offence,	XII.	XII.		
„ Sentence of death by any Court Martial not to be executed until receipt of directions from the Governor General in Council upon Report of the Courts pro- ceedings, ...	„	XIII.		
„ Judge Advocate or Deputy may administer oaths to wit- nesses. In their absence the Court may appoint any per- son to act, ...	„	XIV.		
„ Act to remain in force with respect to Crews of Ships wrecked or lost, and the Offi- cers to retain their authority till discharged or removed to some other Ships or a Court of Enquiry shall have been held. Pay and Wages of the Officers to be disbursed to them if the result of the enquiry be satisfactory. Per- sons acting contrary to the discipline of the Indian Navy after the loss of the Ship how punishable, ...		XV.		
„ Payment of allowances of Officers and Seamen of Ships taken by the Enemy how to be regulated, ...		XVI.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Navy—Indian—No person not flying from justice to be tried or punished by a Court Mar- tial without order of the Governor General in Council or Governor in Council; or any Officer who may order a Court Martial, and that within specified time after the commission of the offence for which he is to be tried, ...	XII.	XVII.	.....	General.
„ Act not to interfere with the Queen's Admiralty Power, Jurisdiction or Authority within her Dominion, ...	„	XVIII.		
„ Absence of Members of Courts Martial not to delay its proceedings if sufficient number remain to compose a Court—Penalty for Mem- bers absenting from such Courts, ...	„	XIX.		
O.				
Offenders corporally punish- able for thefts—See Larceny.				
„ of tender age ditto ditto— See Larceny.				
Officers in the Indian Navy —See Navy.				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
P.				
Petty Larceny—(See Larceny.)				
Principal Sudder Ameen or Sudder Ameen—Suits cognizable by—to be instituted in their respective Courts, ...	IX.	I.	.....	General.
„ Zillah or City Judge may withdraw such suits and try himself, or refer for trial to any other Court under him,	„	II.		
„ Jurisdiction of—may be defined by the Zillah or City Judge,.....	„	III.		
„ Zillah or City Judge may receive Summary Appeal from orders of—rejecting original suits cognizable by them, ...	„	IV.		
„ The same Stamps to be used in any other Court as would have been sufficient in a Sudder Ameen's Court in suits cognizable by him, ... See Sudder Ameens.	„	V.		
Prisoners sentenced by the Sud- der Courts to imprisonment for life shall at the same time be sentenced to transportation beyond Sea for life, ... See Sudder Courts.	XIV.	.....	.....	General.
Prisons—Removal of Native Officers, Soldiers and Followers imprisoned under sentence				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
of a Court Martial from one prison to another—See Native Officers.				
Process—Civil and Criminal—against the person or property of the Nabob of the Carnatic, the Nabob Regent, their respective Families, Dependents and Retinue—the issue of restricted—See Nabob.				
Pyce — (See Copper Coin.)				
Pyce, Trisoolee—(See Trisoolee.)				
R.				
Regulation II. of 1834 of the Bengal Code—Clause 1, Section II. of—modified, ...	II.	.....	.....	Presidency of Fort William.
„IX. of 1808 of the Bengal Code—repealed, ...	IV.	.....	.....	Ditto.
„X. of 1803, I. III. and VI. of 1812—III. of 1821 and all Regulations of the Madras Code imposing Inland or Transit Duties, repealed, ...	VI.	I.	.....	Madras.
„IX. of 1803, excepting Sections 55 to 70; XI. of 1803; XIV. of 1808; XV. of 1808, excepting Section 5; II. of 1812, excepting Sections 15 and 17; IV. of 1812, and such parts of Regulation I. of 1813 of the Madras Code as relate to Duty and Drawback				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
on Spirituous Liquors im- ported or exported by Sea; also Regulation II. of 1816, II. of 1818, III. of 1818, IV. of 1819 and VII. of 1819, and all Regulations of the Madras Code for fixing Duty on imports or exports by Sea or Drawback payable on the same, repealed, Regulation I. of 1805 of the Madras Code—Clause 2, Sec- tion XI. of—repealed,.....	VI.	II.		
Regulations of the Bengal Code, as vest the Judges of Circuit, Commissioners of Circuit, Superintendents of Police and the Sudder Nizamut Adawlut with control over Jails, Prisoners and Establish- ments and places of banish- ment or transportation of Prisoners, repealed,.....	„	XLII		
See Jails and Acts.	XVIII.	I.		
S.				
Salt—Fixing the price to be paid for—manufactured and sold within the Madras Pre- sidency, ...	VI.	XLIII.	.....	Madras
„ The Governor General in Council may grant a remission of the price of, ...	„	XLIV.		

Salt

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Salt—having paid the Home Consumption price may be landed free at any other Madras Port under Certificate, ...	VI.	XLV.		
„ Manufactured within or imported into the Bombay Presidency—Section 1, of Act 27 of 1837 relating to—repealed from 1st September 1844, ...	XVI.	I.	.....	Bombay.
„ A Duty of One Company's Rupee to be paid on every maund of Salt delivered from any Salt work within the Bombay Presidency, ...	„	II.		
„ Section 43, Act I. of 1838 repealed, ...	„	III.		
„ Covered by Certificate of payment of excise duty on export thereof may be landed at any Port of the Bombay Presidency, and allowed to pass free into the interior, ...	„	IV.		
„ Repealing so much of Schedule A. in Act 1 of 1838 as provides for the levy of a duty of 8 Annas per maund of Salt imported by Sea and so much of Schedule B. in the said Act which permits such Salt to be exported free, ...	„	V.		
„ imported by Sea and not covered by a pass to pay a duty of One Rupee per maund,				

and

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
and Salt having paid the the excise duty at the same rate may be exported free, ... Seamen in the Company's Navy —See Navy.	XVI.	V.		
Silk Manufactures and Silk and Cotton mixed with other material of Foreign produce —Import Duty on—modified—See Duty.				
Sirdars of Gangs of Dacoits— Regulation IX. of 1808 of the Bengal Code relating to —repealed, ...	IV.	.....	.....	Presidency of Fort William.
Soldiers belonging to the East India Company's Forces imprisoned under sentence of a Court Martial—Governor or Governor in Council of any Presidency may order the removal of any—from one prison to another within the Presidency of his Government, to undergo the remainder of his sentence,..... See Native Officers and Followers.	VIII.	.....	.....	General.
Statute 5 and 6, Vict. Cap. 39 with alterations extended to the East India Company's Territories — See Advances and Agents.				
Sudder Ameens—Suits cognizable by—to be instituted in their own Courts, ...	IX.	I.	.....	General.

	<i>Act.</i>	<i>Section.</i>	<i>Clause</i>	<i>Territorial Scope of the Acts.</i>
Sudder Ameens—Zillah or City Judge may withdraw such suits and try himself, or refer for trial to any other Court under him, ...	IX.	II.		
„Jurisdiction of—may be defined by Zillah or City Judge,	„	III.		
„Zillah or City Judge may receive Summary Appeals from orders of—rejecting any original suits cognizable by them, ...	„	IV.		
„The same Stamp to be used in any other Court as would have been sufficient in a Sudder Ameen's Court in suits cognizable by,.....	„	V.		
See Principal Sudder Ameens.				
Sudder Courts sentencing any offender to imprisonment for life shall at the same time sentence him to transportation beyond Sea for life, unless the prisoner is not a proper subject of transportation, ...	XIV.	I.	.....	General.
„A single Judge may sentence offenders to transportation for life who may have been sentenced or recommended by the Commissioner of Circuit or Session Judge to imprisonment for life,.....	„	II.		
Sudder Nizamut Adawlut relieved of their control and				

superintendence

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
superintendence over Jails, Prisoners, &c.—See Jails.				
Suits cognizable by Principal Sudder Ameen or Sudder Ameen—See Principal Sud- der and Sudder Ameen.				
Superintendents of Police re- lieved of their control over Jails and Prisoners—See Jails.				
Supreme Court at Calcutta— any one of the Judges of the —may sit apart from the other Judges for the dispatch of Criminal Business at the same time when the other Judges shall be sitting for the dispatch of business, ...	XI.	I.	.....	Calcutta.
„ may transact out of Term all Business which the Court may have power to transact in Term, ...	„	II.		
T.				
Taxes upon Trades and Pro- fessions, ... See Town Duties.	.....	.....	.....	Bombay.
Tender aged offenders, how punishable for thefts—See Larceny.				
Term — Supreme Court at Calcutta may transact all business out of — which it				

may

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
may have power to transact in Term—See Supreme Court.				
Thefts how punishable—See Larceny.				
Town Duties—Kusub Veeras, Mohturfas, Ballootee Taxes and Cesses of every kind on Trades and Professions within the Bombay Presidency— abolished,.....	XIX.	.....	.....	Bombay.
Transit Duties under the Ma- dras Presidency abolished, ...	VI.	I.	.....	Madras.
Transportation beyond Sea for life—Prisoners sentenced by Sudder Courts to imprison- ment for life—shall at the same time be sentenced to,... See Sudder Courts.	XIV.	.....	.....	General.
Trinidad—Emigration of Na- tives of East Indies to—See Emigration.				
Trisoollee Pyce shall cease to be a legal tender within the Province of Benares from 1st August 1844;	XIII.	I.	.....	North Western Provinces.
„shall be received until the above date on account of Government and exchanged by tale at Treasuries within the said Province,.....	„	II.		
„ Lieutenant Governor to no- tify the Treasuries within the said Province where such shall be received and				

exchanged

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
exchanged and to make rules for the prevention of fraud, Trisoolee Pyce—For every 64 One Company's Rupee may be given in exchange,.....	XIII.	III		
W.	„	IV.		
Witnesses—incapacity of — to give evidence in cases before Her Majesty's Courts remov- ed in certain cases—See Evidence.				
Writs against the Nabob of Carnatic, the Nabob Regent, their respective Families, Dependents and Retinue, the issue of—restricted—See Nabob.				

1843/44
Civil Auditor
In No. 2986.

ACT No. I. OF 1844.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th January, 1844, with the assent of the Right Hon'ble the Governor General of India.

An Act for securing certain immunities and privileges to His Highness the Nabob of the Carnatic, His Family and Retinue.

WHEREAS questions have lately been raised as to the liability of persons of the Family, Household and Retinue of His Highness the Nabob of the Carnatic to the process and jurisdiction of Courts of Justice, and it is deemed expedient that provision should be made for protecting by legislative enactment, under the qualifications hereinafter mentioned, certain individuals of the Family, Household and Retinue of his said Highness from any such liability, and from claims and litigation to establish any such liability :

I. It is hereby enacted, that it shall be lawful for the Governor in Council of Fort Saint George to publish, from time to time, in the Gazette at Madras, lists containing the names of persons belonging to the Family, Household or Retinue of His Highness the Nabob of the Carnatic, or of the Nabob

ACT No. I. OF 1844.

114/8/171
114/8/171
114/8/171
Nabob Regent for the time being, who are to be entitled under this Act to privilege from Civil and Criminal process, and also from time to time to revise and alter such lists and publish in the Gazette as aforesaid new lists of the persons entitled for the time being to such privilege, and the list which shall have been last so published shall be the list which for the time being shall be in force and effect for the purpose of this Act.

II. And it is hereby enacted, that no Writ or Process shall at any time be sued forth or prosecuted against the person, goods or property of His Highness the Nabob of the Carnatic, or of the Nabob Regent for the time being, or of any person whose name shall be included in any list so published in the Gazette as aforesaid, and which for the time being shall be in force and effect for the purpose of this Act, unless such Writ or Process shall be so sued forth or prosecuted with the consent of the Governor in Council of Fort St. George first had and obtained, such consent to be testified by the signature of the Secretary, or one of the Secretaries of Government, and that any Writ or Process which shall at any time be sued forth or prosecuted against the person or goods or property of His said Highness, or of the Nabob Regent, or of any such person as aforesaid, without such consent as aforesaid, so testified as aforesaid, shall be utterly null and void.

III. And it is hereby enacted and directed, that the said Governor in Council of Fort St. George shall from time to time cause to be furnished to the Governor General of India in Council copies of any and every list which shall be so published as aforesaid, and shall conform to and follow any directions which he may from time to time receive from the Governor General of India in Council respecting the persons to be included in any such list from time to time, and otherwise with respect to the matters which are the subject of this Act. And also that the said Governor in Council of

Fort

ACT No. I. OF 1844.

Fort St. George shall from time to time cause every list, which shall be published in the Gazette as aforesaid, to be also otherwise published in such manner as shall be deemed proper and sufficient for the purpose of making the same generally known.

VI. And it is hereby enacted and provided, that this Act shall not be construed or be held to be in any way declaratory or explanatory of the meaning or effect of any Treaty made or entered into with His Highness the Nabob of the Carnatic, and shall not be construed either to enlarge or restrict the operation of any such Treaty, and that independently of this Act His Highness the Nabob of the Carnatic and the Nabob Regent for the time being, and their respective families, dependants, and retinue shall be entitled to claim, maintain and enjoy any privilege which by virtue of any such Treaty or otherwise they may be rightfully entitled to.

ACT No. II, OF 1844.

Passed by the Hon'ble the President of the Council of India in Council, on the 17th February, 1844, with the assent of the Right Hon'ble the Governor General of India.

An Act respecting the Expense of preparing Copies of Proceedings in Appeals.

WHEREAS it is just and necessary that the expence of preparing copies in the English Language of the proceedings in Cases appealed to the Queen in Council, as now required by Section 5, Regulation XVI. 1797, and Section 34, Regulation V. 1803, of the Bengal Code, Section 5, Regulation VIII. of 1818, of the Madras Code, and Clause 6, Section C, of Regulation IV. of 1827, of the Bombay Code, should be borne by the parties prosecuting those Appeals:

I. It is hereby enacted, that in all cases of Appeals to the Queen in Council from judgments delivered by the Courts of Sudder Dewanny Adawlut at Fort William, Fort St. George, Bombay, and at Allahabad, the expense of preparing two copies of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents, and of translating into the English Language such of the aforesaid proceedings, as may have been originally drawn out in the country languages, shall be defrayed by the parties prosecuting the Appeal.

II. And

ACT No. II. OF 1844.

II. And it is hereby further enacted, that the Courts of Sudder Dewanny Adawlut are empowered and required to cause the deposit by the Appellant within the time allowed for furnishing Security for Costs of Appeal of such a sum as shall be sufficient to cover the expense of making the two aforesaid copies, and when such deposit shall have been made, and not till then, to declare the Appeal admitted, and to give notice thereof to the Appellant and Respondent respectively.

Civil Audits Ind. no. 2057 of 1844/45.

ACT No. III. OF 1844.

*Passed by the Right Hon'ble the Governor General of India
in Council on the 2d March, 1844.*

*An Act for legalizing the infliction of Corporal Punishment in cases of Petty
Larceny generally, and when committed by offenders of tender age.*

I. **W**HEREAS it is expedient until adequate improvements in Prison Discipline can be effected, to substitute corporal punishment for imprisonment in the case of certain offences :

It is hereby enacted, in modification of C. 1, S. 2, Regulation II. of 1834, that it shall be competent to a Magistrate, on conviction in cases of thefts of property not exceeding in value the sum of Fifty Rupees, to sentence the person convicted to corporal punishment not exceeding thirty stripes of a ratan.

II. And whereas it is also expedient, that offenders of tender age should be punished rather in the way of School discipline than of ordinary criminal justice :

It is hereby enacted, that it shall be competent to a Magistrate, and he is hereby required, on conviction in cases of theft of property not exceeding in value

ACT No. III. OF 1844.

value the sum of Fifty Rupees, if the person convicted shall appear to him by inspection or other evidence to be of such tender years as to require punishment rather in the way of School discipline than of ordinary criminal justice, to sentence such person to corporal punishment with a light ratan, not exceeding ten stripes.

III. And it is hereby further provided and enacted, that no female shall be subject to corporal punishment, and that in cases of infliction of corporal punishment, no other punishment shall be superadded, and that the punishment shall be inflicted on all occasions in the presence of the Magistrate.

Civil Auditor's Inw^d No 2058 of 1844/45.

ACT No. IV. OF 1844.

*Passed by the Right Hon'ble the Governor General of India
in Council on the 2d March, 1844.*

An Act for repealing Regulation IX. of 1808 of the Bengal Code.

WHEREAS the Provisions of Regulation IX. of 1808 of the Bengal Code
“for the apprehension of persons concerned in the offence of Gang Robbery,
and especially the Sirdars or Leaders of Gangs of Dacoits,” have, by reason of
their extreme severity, become nearly obsolete :

It is hereby enacted, that the said Regulation be repealed.

ACT No. V. OF 1844.

*Passed by the Right Hon'ble the Governor General of India
in Council on the 2d March, 1844.*

An Act for the suppression of all Lotteries not authorized by Government.

WHEREAS great mischief has been found to result from the existence of Lotteries:—

I. It is hereby enacted, that in the Territories subject to the Government of the East India Company, all Lotteries not authorized by Government, shall from and after the 31st day of March 1844, be deemed, and are hereby declared common and public nuisances and against Law.

II. And it is hereby enacted, that from and after the day aforesaid, no person shall, in the said Territories, publicly or privately, keep any office or place for the purpose of drawing any Lottery not authorized by Government, or shall have any such Lottery drawn, or shall knowingly suffer any such Lottery to be drawn in his or her house; and any person so offending shall for every such offence, upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 5000 Rupees.

III. And

ACT No. V. OF 1844.

III. And it is hereby enacted, that from and after the day aforesaid no person shall under any pretence, device or description whatsoever agree to pay any sum, or to deliver any goods, or to do or forbear doing any thing for the benefit of any person, whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket, lot, number, or figure in any such Lottery, or shall publish any proposal for any of the purposes aforesaid, and any person offending in any of the matters mentioned in this Section shall for every such offence upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 1000 Rupees.

IV. And it is hereby enacted, that every fine which shall be incurred under the provisions of this Act shall be applied one half to the use of Government and the other half to the use of the Informer or Informers.

1844/45
Civil and S
Indra 80

ACT No. VI. OF 1844.

*Passed by the Right Hon'ble the Governor General
of India in Council on the 16th March, 1844.*

*An Act for abolishing the levy of Transit or Inland Customs Duties,
for revising the duties on Imports and Exports by Sea, and
for determining the price at which Salt shall be sold for Home
consumption within the territories subject to the Government of
Fort St. George.*

IT is hereby enacted, that from the First day of April 1844, such parts of Regulation X. of 1803, Regulation I. of 1812, Regulation III. of 1812, Regulation VI. of 1812, and Regulation III. of 1821, of the Madras Code, and all such parts of any Regulations of the said Code, as prescribe the levy of Transit or Inland Customs Duties at any Town or Place within the limits of the Presidency of Fort St. George, shall be repealed.

Rescinding all Regulations of the Madras Code imposing Inland, Transit and Town Duties.

II. And it is hereby enacted, that Regulation IX. of 1803, with exception of Sections 55 to 70 both inclusive, Regulation XI. 1803, Regulation XIV. of 1803, Regulation XV. of 1808, with exception of Section 5, Regulation II. of 1812, with exception of Sections 15 and 17, Regulation IV. of 1812, and such parts of Regulation I. of 1813, of the same Code, as relate to the rates of Duty and Drawback on Spirituous Liquors imported or exported by Sea, also Regulation II. of 1816, Regulation II. of 1818, Regulation III. of 1818, Regulation IV. of 1819, and Regulation VII. of 1819, together with the Schedules appended

Rescinding Regulations of the Madras Code imposing Sea Customs Duties, with certain exceptions.

ACT No. VI. OF 1844.

appended thereunto, excepting in so far as any of these Regulations rescind any former Regulations either in part or in whole of the Madras Code, and likewise the Provisions of any kind contained in the foregoing or any other Regulations of the Madras Code for fixing the amount of Duty to be levied on Goods imported or exported by Sea, at any place within the limits of the Presidency of Fort St. George, or the Drawback payable on the same, shall be repealed.

Proviso.

III. Provided always, that nothing contained in the two preceding Sections of this Act shall be construed to prevent the levy of any Municipal Tax, or of any Toll on any Bridge, Road, Canal, Pier or Causeway, for repair and maintenance of the same ; or of any fee for the erection and maintenance of Light Houses.

Duties to be levied on Goods imported by Sea into the Presidency of Fort St. George.

IV. And it is hereby enacted, that Duties of Customs shall be levied on Goods imported by Sea into any place within the Territories subordinate to the Government of the Presidency of Fort St. George, after the said First day of April 1844, according to the rates specified in Schedule A annexed to this Act, with the exceptions specified therein, and the Schedule with the Notes attached thereto, shall be taken to be a part of this Act.

Duties to be levied on Goods exported by Sea from the Presidency of Fort St. George.

V. And it is hereby further enacted, that Duties of Customs shall be levied upon Country Goods exported by Sea from any ports of the Presidency of Fort St. George after the said First day of April 1844, according to the rates specified in Schedule B annexed to this Act, with the exceptions therein specified, and the said Schedule with the Notes attached thereto, shall also be taken to be a part of this Act.

VI. And

ACT No. VI. OF 1844.

VI. And it is hereby enacted, that Duties of Customs shall be levied on Goods passing by Land into or out of Foreign European Settlements, situated on the line of Coast within the limits of the Presidency of Fort St. George, at the rates prescribed in the Schedules of this Act for Goods imported or exported on Foreign bottoms at any British port in that Presidency.

Duties to be levied on Goods passing by Land into or out of Foreign European Settlements, adjacent to the Presidency of Fort St. George.

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to declare by notice to be published in the Gazette of that Presidency, that the Territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil authorities of that Presidency, shall be deemed to be Foreign Territory, and to declare Goods passing into or out of such Territory liable either to the Duty fixed for British or for Foreign Bottoms, as the said Governor in Council may think fit.

The Governor in Council may declare by notice in the Gazette, the Territory of Native Chiefs, beyond the jurisdiction of the Courts, to be Foreign.

VIII. And it is hereby enacted, that for the levy of Duties of Customs as above provided on Goods exported by Land to, or imported by Land from, such Foreign Territories, Customs Chokees may be established at such places as may be determined by the said Governor in Council, and every Officer at every such Chokee shall have power to detain Goods passing into or out of any such Foreign Territory, and to examine and ascertain the quantities and kinds thereof; and such Goods shall not be allowed to pass across the Frontier line out of or into the Territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a Certificate shewing that the Customs Duty leviable thereupon has been paid in full.

Customs Chokees may be established for the levy of Duties on Goods passing into or out of Foreign Territory.

Powers of Officers at such Chokees.

Goods not to be allowed to pass across the Frontier line without a Certificate of the Duty thereon having been paid in full.

IX. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such Officers as he

The Governor in Council may appoint Officers to collect Duties and to grant Certificates of payments.

may

ACT No. VI. OF 1844.

may think fit to receive money on account of Customs Duties, and grant Certificates of the payment thereof, and that such a Certificate being delivered to any Chokee Officer shall entitle Goods to cross the frontier into or out of the East India Company's Territories, provided that the Goods correspond in description with the specification thereof contained in such Certificate, and that the Certificate shew the entire amount of Duty leviable on those Goods to have been duly paid; and if upon examination the Goods brought to any Chokee be found not to correspond with the specification entered in the Certificate presented with the same, the difference shall be noted on the face of the Certificate, and if the payment of Duty certified therein shall not cover the entire amount of Duty leviable on the Goods as ascertained at such examination, the Goods shall be detained until a further Certificate for the difference shall be produced.

If Goods be found not to correspond with Certificate, the difference to be noted on the face of the Certificate, and if the Duty have not been duly paid, the Goods to be detained until a further Certificate be produced.

The appointments of Officers to receive Customs Duties on the frontier to be notified in the Official Gazette.

X. And it is hereby enacted, that the said Governor in Council shall give public notice in the Official Gazette of the Presidency of Fort St. George of the appointment of every Officer appointed to receive Customs Duties on Goods crossing the land frontier of the said Foreign Territories, and the Officers so appointed shall on receipt of money tendered as Customs Duty be bound to give to any Merchant or other person applying for the same a Certificate of payment, and to enter therein the specification of Goods, with the values and description thereof, according to the statement furnished by the person so applying, provided only that the proper Duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

Officers so appointed bound to grant Certificates on receipt of the proper Duty.

Certificates not to bear date more than thirty days before the arrival of the Goods.

XI. And it is hereby enacted, that no Certificate shall be received at any Chokee that shall bear date more than thirty days

ACT No. VI. OF 1844.

days before the date when the Goods arrive at the Chokee. Proviso.

Provided, however, that any person who has taken out a Certificate from any authorized receiver of Customs Duties, shall at any time within the said period of thirty days, on satisfying such receiver that such Certificate has not been used, and on delivering up the original, be entitled to receive a renewed Certificate, with a fresh date, without further payment of Duty.

XII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe by public notice in the Official Gazette of the Presidency of Fort St. George by what routes Goods shall be allowed to pass into or out of any such Foreign Territory, as is described in Sections VI. and VII. of this Act; and after such notice shall be given, Goods which may be brought to any Chokee established on other routes or passes than those so prescribed, shall, if provided with a Certificate, be sent back; and if not provided with a Certificate shall be detained, and shall be liable to confiscation by the Collector of Customs, unless the person in charge thereof shall be able to satisfy the said Collector that his carrying them by that route was from ignorance or accident.

The Governor in Council to notify in Official Gazette by what routes Goods may cross the land frontier.

After which Goods brought by other routes to be liable to detention, or confiscation.

XIII. And it is hereby enacted, that Goods which may be passed, or which an attempt may be made to pass across any frontier guarded by Chokees between sun-set and sun-rise, or in a clandestine manner, shall be seized and confiscated.

Goods crossing frontier clandestinely to be confiscated.

XIV. And it is hereby enacted, that any Chokee Officer who shall permit Goods to pass across the frontier when not covered by a sufficient Certificate, or who shall permit Goods to pass by any prohibited route, shall be liable, on conviction before the Collector of Customs, to imprisonment for a term

Penalty for Officer permitting Goods to cross the frontier without Certificate, or by prohibited route.

not

ACT No. VI. OF 1844.

not exceeding six months, and to a fine not exceeding Five Hundred Rupees, commutable if not paid to imprisonment for a further period of six months.

Penalty for a Chokey Officer needlessly and vexatiously injuring Goods, or wrongfully detaining them.

XV. And it is hereby enacted, that if any Chokey Officer shall needlessly and vexatiously injure Goods under the pretence of examination, or in the course of his examination, or shall wrongfully detain Goods for which there shall be produced a sufficient Certificate, such Officer shall, on conviction before the Collector of Customs, or before any Magistrate or Joint Magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding Five Hundred Rupees, commutable if not paid to imprisonment for a further period of six months.

Goods imported by Sea from Foreign European Settlements or Native States declared Foreign, to be liable to Duties leviable on Foreign Bottoms.

XVI. And it is hereby enacted, that all Goods imported by Sea into any port of the Presidency of Fort St. George from any Foreign European Settlement in India, or from any Native State, the inland trade of which has been declared by the Governor in Council of the Presidency of Fort St. George under Section VII. of this Act to be subject to the Duties levied on Foreign Bottoms, shall be liable to the same Duties as are imposed by Schedule A on Imports on Foreign Bottoms.

No Dutiable Goods entered in either of the Schedules of this Act to be exempted unless under special order of Government.

Proviso.

XVII. And it is hereby enacted, that no Goods whatsoever entered in either of the Schedules of this Act, as liable to Duty, shall be exempted from the payment of such Duty or of any part thereof, except under special order from the Governor in Council of the Presidency of Fort St. George. Provided always, that it shall and may be lawful for the Collector of Customs, or other Officer in charge of a Custom House to pass free of Duty any baggage in actual use at his discretion ; and if any person shall
apply

ACT No. VI. OF 1844.

apply to have Goods passed as such baggage, the Collector acting under the orders of the Government, shall determine whether they be baggage in actual use, or Goods subject to Duty under the Provisions of this Act.

XVIII. Provided always, that when Goods are imported at any port of the Presidency of Fort St. George from any other port in that Presidency under Certificate that the Export Duty specified in Schedule B has been duly paid thereon, or that there has been a Re-export, and that the Import Duty specified in Schedule A has been duly paid, the said Goods shall be admitted to free entry.

Proviso under which Goods may be imported Duty free from any other Madras Port.

XIX. Provided also, that when Duties of Customs shall have been paid on any Goods at any port in any part of the Territories of the East India Company not subject to the Presidency of Fort St. George, and such Goods shall subsequently be imported at any port of the Presidency of Fort St. George, credit shall be given at such last mentioned port for the sum that may be proved by the production of due Certificates to have been so paid.

Further Proviso under which credit may be given at any Madras Port for Duties paid at any other British Indian Port.

XX. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George, from time to time, by notice in the Official Gazette of that Presidency, to fix a value for any Article or number of Articles liable to ad valorem Duty, and the value so fixed for such Articles shall, till altered by a similar notice, be taken to be the value of such Articles for the purpose of levying Duty on the same.

The Governor in Council to notify in the Official Gazette, the valuation of Articles liable to ad valorem Duty.

XXI. And it is hereby enacted, that when Goods liable to Duty, for which a value has not been fixed by such a notice

When no value has been fixed or declared, Duty to be levied according to the Market value,

as

ACT No. VI. OF 1844.

as is above directed, or for which a fixed Duty has not been declared by the Schedules annexed to this Act, are brought to any Custom House in the Presidency of Fort St. George, for the purpose of being passed for importation or exportation, the Duty leviable on such Goods shall be levied ad valorem, that is to say, according to the Market value of such Goods at the place and time of importation or exportation as the case may be.

The Market value how
and by whom to be declar-
ed.

Application to be made
in writing for the passing
of Goods through the
Custom House.

What the application is
to contain.

XXII. And it is hereby enacted, that the Market value for Assessment of Duties on ad valorem Goods shall be declared by the Owner, Consignee, or Exporter, or by the Agent or Factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the Goods through the Custom House, and the value so declared shall include the packages or materials in which the Goods are contained, and the application shall truly set forth the name of the Ship in which the Goods have been imported or are to be exported, the name of the Master of the said Ship, the Colours under which the said Ship sails, the number, description, marks, and contents of the packages, and the country in which the Goods were produced.

Declaration of Market
value to be submitted to
Appraising Officer.

The Collector of Customs
empowered to purchase
undervalued Goods
at the price so declared.

XXIII. And it is hereby enacted, that every such declaration, when duly signed, shall be submitted to the Officer of Customs appointed to appraise Goods at the Custom House, and if it shall appear to him that the same is correct he shall countersign it as admitted ; but if any part or the whole of the Goods shall seem to him to be undervalued in such declaration, he shall report the same to the Collector of Customs who shall have power to take the Goods or any part thereof as purchased for the Government at the price so declared ; and whenever the Collector of Customs shall so take Goods for the Government, payment thereof

ACT NO. VI. OF 1844.

thereof shall be made to the Consignee or Importer, if the Goods be imported Goods, within fifteen days from the date of the declaration, the amount of Import Duty leviable thereon being first deducted, and if the Goods be intended for exportation, the entire value as declared shall be paid without deduction on account of Customs Duty.

Payment for the Goods when and how to be made.

XXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to declare by public notice in the Official Gazette of that Presidency what places within the same shall be ports for the landing and shipment of Merchandise, and any Goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

Government to notify in the Official Gazette the Ports for landing and shipping Merchandise. Goods landing at other Ports to be confiscated.

XXV. And it is hereby enacted, that when any Vessel shall arrive in any port of the Presidency of Fort St. George, the Master shall deliver a true Manifest of the Cargo on board, made out according to the form annexed to this Act and marked C, to the first person duly empowered to receive such Manifest that may come on board, and if no such person shall have come on board before the anchor of the said Vessel is dropped, then the Manifest shall be forwarded to land on board of the first boat that leaves the Vessel after dropping anchor, and if the port be up a River or at a distance from the land first made, then it shall be lawful for the said Governor in Council, by an Order published in the Official Gazette of the Presidency, to fix a place in any such River or port beyond which place it shall not be lawful for any inward bound Vessel, except such Country Craft as are described in Sections LIV. and LV. of this Act, to pass until the Master shall have forwarded in such manner as may be

Manifests of Cargo to be sent in by Masters of Vessels on arrival.

The Governor in Council may appoint places beyond which no inward bound Vessel may pass until the Master have forwarded his Manifest of Cargo.

Excepting certain Country Craft.

ordered

ACT No. VI. OF 1844.

ordered by the said Governor in Council such a Manifest as is required by this Act.

Penalty for a Master delivering a Manifest not containing a full and true specification of Cargo.

XXVI. And it is hereby enacted, that if the Manifest so delivered by the Master shall not contain a full and true specification of all the Goods imported in the Vessel, the said Master shall be liable to a fine of One Thousand Rupees, and any Goods or Packages that may be found on board in excess of the Manifest so delivered, or differing in quality or kind, or in marks and numbers from the specification contained therein, shall be liable to be seized by any Customs Officer and confiscated, or to be charged with double or such increased Duties as may be determined by the Collector of Customs under the orders of Government.

Masters of inward bound Vessels remaining outside of the places fixed by the Governor in Council, required to deliver Manifests.

XXVII. And it is hereby enacted, that if any inward bound Vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of Manifests, the Master shall deliver a Manifest as hereinbefore prescribed, to the first person duly empowered to receive such Manifest that may come on board, and if any Vessel entering a port for which there is a Custom House established shall lie at anchor therein for the space of twenty-four hours, the Master whereof shall refuse to deliver the said Manifest in the manner above prescribed, he shall for such refusal be liable to fine not exceeding One Thousand Rupees, and no Entry or Port Clearance shall be given for such Vessel until the fine is paid.

Penalty for the Master of a Vessel refusing to deliver a Manifest.

No Vessel to break bulk until the Collector of Customs have received Ship's Papers.

XXVIII. And it is hereby enacted, that no Vessel shall be allowed to break bulk until a Manifest as required by this Act, and another copy thereof to be presented at the time of applying for entry inwards, if so required by the Collector of Customs, shall have been received by the said Collector, or
until

ACT No. VI. OF 1844.

until order shall have been given by the said Collector for the discharge of the Cargo ; and that the said Collector may further refuse to give such order if he shall see fit until any Port Clearances, Cocketts or other Papers, known to be granted at the places from which the Vessel is stated to have come, shall likewise be delivered to him.

XXIX. And it is hereby enacted, that no Goods shall be allowed to leave any Vessel or to be put on board thereof until entry of the Vessel shall have been duly made in the Custom House of the port, nor until order shall have been given for discharge of the Cargo thereof, as above provided, and it shall be the duty of every Customs Officer to seize as contraband any Goods which have been removed or put on board of any Vessel in contravention of the above Provision, or which any attempt shall have been made to remove from, or to put on board of any Vessel in contravention of the above Provision. And after entry of the Vessel at the Custom House in due form, such part of the Cargo as may not be declared for re-exportation in the same Vessel shall be sent to land, and Export Cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by order of the Governor in Council of the Presidency of Fort St. George, and if an attempt be made to land or put on board Goods or Merchandize in contravention of the forms and rules so prescribed, the Goods shall be liable to seizure and confiscation.

Goods moved from or put on board of any Vessel without due entry in the Custom House, or permission for discharge of Cargo, to be seized as contraband.

After entry in due form, Cargo not declared for re-exportation may be landed, and Export Cargo laden.

Goods liable to seizure and confiscation if attempted to be landed or put on board in contravention of this Act.

XXX. And it is hereby enacted, that if Goods entered in the Manifest of a Vessel shall not be found on board that Vessel, or if the quantity found be short and the deficiency be not duly accounted for, or if Goods sent out of the Vessel be not landed at the Custom House, or at such other place as the Collector of

Penalty on Master if Cargo do not correspond with his Manifest, or if Goods sent out of the Vessel be not landed at the prescribed places.

ACT No. VI. OF 1844.

of Customs shall have prescribed, the Master shall be liable to a penalty not exceeding Five Hundred Rupees for every missing or deficient package of unknown value, and for twice the amount of Duty chargeable on the Goods deficient and unaccounted for, if the Duty can be ascertained. Provided however that nothing herein contained shall be construed to prevent the Collector of Customs from permitting at his discretion the Master of any Vessel to amend obvious errors, or to supply omissions from accident or inadvertence by furnishing an amended or supplemental Manifest.

Provision for the amendment of obvious errors in Manifests of Cargo.

One or more places in every Port to be appointed for the landing and shipment of Goods.

Goods landing at or shipping from any other place without special permission to be confiscated.

XXXI. And it is hereby enacted, that there shall in every port of the Presidency of Fort St. George be one or more places appointed for the landing and shipment of Goods, and Goods shall not be landed at or shipped from any other place without the special order in writing of the Collector of Customs for the port, and if any Goods be landed, or an attempt be made to land any Goods at any other than the said authorized places, or if any Goods be shipped or an attempt be made to ship any Goods from any others than the said authorized places without such order, they shall be seized and confiscated.

The Governor in Council may license Boats for landing and shipping Merchandize; and after notification Goods found on any other Boats to be liable to confiscation.

Excepting under special Permit from the Collector of Customs.

XXXII. And it is hereby enacted, that if the Governor in Council shall see fit, for the security of Customs at any port, to maintain special establishments of Boats for the landing and shipping of Merchandize, or to license and register the Cargo Boats plying in any ports, then after due notification thereof, it shall not be lawful for any person to convey Goods to or from any Vessel in such port, otherwise than in the Boats so authorized and prescribed, except under special Permit from the Collector of Customs at the port, and any Goods that may be found on board of other Boats than those so authorized for the port shall be liable

ACT No. VI. OF 1844.

liable to be seized by an Officer of Customs and shall be liable to confiscation.

XXXIII. And it is hereby enacted, that when the Governor in Council of the Presidency of Fort St. George shall see fit to maintain at any port an establishment of Officers to be sent on board of Vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the Collector of Customs at that port shall have power at his discretion to send one or more Officers of such establishment to remain on board of any Vessel in such port by night and by day, until the Vessel shall leave the port, or it shall be otherwise ordered by the Collector.

After due notification by Government the Collector of Customs empowered to station Customs Officers on board of any Vessel.

XXXIV. And it is hereby enacted, that any Master of such Vessel at such port who shall refuse to receive such Officer with one Servant on board, when such Officer shall be so deputed as above provided, or shall not afford such Officer and such Servant suitable shelter and sleeping accommodation while on board, and likewise furnish them with a due allowance of fresh water if necessary and with the means of cooking on board, shall be liable to a fine not exceeding the sum of One Hundred Rupees for each day during which such Officer and Servant shall not be received and provided with suitable shelter and accommodation.

Penalty for the Master of a Vessel refusing to receive and accommodate such Officer.

XXXV. And it is hereby enacted, that whenever a Collector of Customs shall see cause to direct that any Vessel shall be searched, he shall issue his warrant or written order for such search addressed to any Officer under his authority, and upon production of such order the Officer bearing it shall be competent to require any Cabins, Lockers, or Bulk-heads to be opened.

Collector of Customs may issue warrant to search any Vessel.

Powers of an Officer bearing such Warrant.

in

ACT No. VI. OF 1844.

in his presence, and if they be not opened upon his requisition to break the same open, and any Goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the Collector of Customs shall be liable to confiscation, and any Master or person in charge of a Vessel who shall resist such Officer or refuse to allow the Vessel to be searched when so ordered by the Collector of Customs, shall be liable upon conviction for every such offence to a fine of One Thousand Rupees.

Penalty for any Master of a Vessel resisting Officer with Warrant for search.

Penalty for a Master removing or putting on board Goods between sunset and sun-rise, or when the Custom House is closed, without leave from Collector.

XXXVI. And it is hereby enacted, that every Master of a Vessel who shall remove from such Vessel or put on board thereof any Goods, or cause or suffer any Goods to be removed from thence or put on board thereof between sunset and sunrise, or on any day when the Custom House is closed for business, without leave in writing obtained from the Collector of Customs, shall be punished with a fine not exceeding Five Hundred Rupees.

Export Cargo Boats without Permits not allowed to lie alongside Vessels on which Customs Officers are stationed.

XXXVII. And it is hereby enacted, that no Cargo Boat laden with Goods intended for exportation by Sea shall make fast to, or lie alongside of, any Vessel on board of which there shall be a Customs Officer stationed unless there shall be on board the Boat, or have been received by the said Customs Officer, a Custom House Permit or order for the shipment of the Goods, and the Goods on board of any Boat that may so be alongside or be made fast to a Vessel, if such Goods be not covered by a Custom House Pass accompanying them, or previously received by the Customs Officer on board the said Vessel shall be liable to confiscation.

Goods on such Boats if not covered by a Pass to be liable to confiscation.

In the removal of Goods from on board any Vessel, a Boat Note to be sent with each separate despatch.

XXXVIII. And it is hereby enacted, that when Goods shall be sent from on board of any Vessel having a Customs Officer

ACT No. VI. OF 1244.

Officer on board for the purpose of being landed and passed for importation there shall be sent with each Boat load or other separate despatch a Boat Note, specifying the number of packages, and the marks and numbers or other description thereof, and such Boat Note shall be signed by an Officer of the Vessel, and likewise by the Customs Officer on board, and if any imported Goods be found in a Boat proceeding to land from such a Vessel without a Boat Note, or if being accompanied by a Boat Note they be found out of the proper track between the Ship and the proper place of landing, the Boat containing such Goods may be detained by any Officer of Customs duly authorized by the Collector, and unless the cause of deviation be explained to the satisfaction of the Collector of Customs, the Goods shall be liable to confiscation.

Goods liable to confiscation if found without a Boat Note, or out of the track between the Vessel and the proper place of landing.

XXXIX. And it is hereby enacted, that when Goods shall be brought to be passed through the Custom House either for importation or exportation by Sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom House, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any Goods not stated in the application be found concealed in or mixed up with the specified Articles, all such packages, with the whole of the Goods contained therein, shall be liable to confiscation.

Goods brought to be passed through the Custom House if not corresponding with the description in the application liable to confiscation.

XL. And it is hereby enacted, that if any person after Goods have been landed, and before they have been passed through the Custom House, removes or attempts to remove them with the intention of defrauding the revenue, the Goods shall be liable to confiscation unless it shall be proved to the satisfaction of the

Goods liable to confiscation if removed with fraudulent intention after landing, and before passing through the Custom House.

Collector

ACT No. VI. OF 1844.

Collector of Customs that the removal was not sanctioned by the Owner or by any person having an interest in or power over the Goods.

Collector of Customs may require Goods in bulk to be weighed or measured before landing, and levy Duty accordingly.

XLII. And it is hereby enacted, that it shall be lawful for the Collector of Customs, whenever he shall see fit, to require that Goods brought by Sea and stowed in bulk shall be weighed or measured on board ship before being sent to land, and to levy Duty according to the result of such weighing or measurement.

Rescinding C. 2, S. XI. of Reg. I. of 1805 of the Madras Code.

XLII. And it is hereby enacted, that Clause 2, Section XI. of Regulation I of 1805 of the Madras Code shall be repealed.

Fixing the price to be paid for Salt within the Presidency of Madras.

XLIII. And it is hereby enacted, that the price to be paid by the purchasers of Salt to the Government of the Presidency of Fort St. George for Salt that may be manufactured and sold under the orders of the Governor in Council for consumption within the Territories subordinate to the Presidency of Fort St. George, shall subsequent to the date specified in Section I of this Act be One Company's Rupee and Eight Annas for every maund of 3,200 tolas weight of Salt,

The Governor General in Council empowered to grant a remission of this price.

XLIV. And it is hereby enacted, that it shall be competent to the Governor General of India in Council to grant a remission of the price specified in the last preceding Section of this Act in cases in which it may appear that the grant of such remission is expedient.

Salt having paid the Home consumption price may be landed free at any other Madras Port under Certificate.

XLV. And it is hereby enacted, that on application by the Exporter of any Salt that has paid the full price fixed to be paid for Salt sold for Home consumption under the provisions of Section XLIII. of this Act, a Certificate shall

ACT No. VI. OF 1844.

shall be granted by the Collector of Customs at the place of export, under authority of which Certificate the quantity of Salt specified therein shall be landed at any other port of the said Presidency of Fort St. George, and shall be passed from such port under the proper passes applicable to the free passage of Salt into the interior without the levy of any further Duty of Customs.

XLVI. And it is hereby enacted, that when a Customs Officer shall be sent on board of any Vessel to superintend the delivery of Cargo, twenty days, exclusive of Sundays and Holidays, shall be allowed for the discharge of the Import Cargo of Vessels not exceeding six hundred tons burthen, and thirty days, exclusive of Sundays and Holidays, for the discharge of the Import Cargo of Vessels exceeding that burthen, and the said periods shall be calculated from the day when the Customs Officer first went on board. And if the whole Cargo be not discharged by the expiration of the abovementioned periods, the Master shall be charged with the wages of such Officer, and other expenses for any further period that such Officer may be detained on board. And if the Owners, Importers, or Consignees do not bring their Goods to land within the periods above fixed, it shall be the duty of the Master so to do.

Limited period allowed for discharge of Import Cargo of Vessel on which Customs Officer may be stationed.

XLVII. And it is hereby enacted, that when there shall be no Customs Officer sent aboard Vessels discharging Cargo, it shall be lawful for the Collector of Customs to fix a period, not being less than twenty days, for the discharge thereof and clearance of the Vessel inwards; and if any Goods remain on board after the time so fixed, or after the time allowed in the last preceding Section of this Act, the Collector may order the same to be landed and warehoused for the security of the Duties chargeable

Limited period allowed for discharging Cargo from any Vessel without a Customs Officer on board.

Goods remaining on board after period allowed, to be landed and warehoused by order of Collector.

ACT No. VI. OF 1844.

Customs Collector, with consent of Master of Vessel, may cause any packages to be deposited in the Government Warehouses.

chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the Master for the same; Provided always, that in all cases it shall be lawful for the Collector or other Officer in charge of the Custom House, with the consent of Master of the Vessel, to cause any packages to be brought on shore and to be deposited in the Government Warehouses for the security of the Duties and Charges thereon, although twenty days may not have expired from the entry of such Vessel; and in case any Goods brought to land from any Vessel be not claimed and cleared from the Custom House within three months from the date of entry of the Ship in which such Goods were imported, it shall be competent to the Collector to sell the same on account of the Duties and other Charges due thereon, and the balance remaining after deducting the said Duties and Charges shall be held in deposit and paid to the Owner on application.

The Collector empowered to sell Goods if not cleared from Custom House within period specified.

Limited period allowed for putting Export Cargo on board of any Vessel.

XLVIII. And it is hereby enacted, that when a Customs Officer shall be sent on board of any Vessel discharging Cargo a further period of fifteen days, Sundays and Holidays excluded, beyond the twenty days above specified, shall be allowed for putting on board Export Cargo if the Vessel shall not exceed six hundred tons burthen, and twenty days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the Master or Commander shall in such case not be charged with the wages and expenses of the Customs Officer on board until after the expiration of such additional period: and if a Vessel having discharged its Import Cargo shall be laid up, the Customs Officer on board shall certify that no Goods remain on board except necessary stores and articles for use, and when a Vessel so laid up shall be entered at the Custom House for receipt of Export Cargo a Customs Officer shall be sent on board,
and

ACT No. VI. OF 1844.

and if the said last mentioned Officer shall certify that no Goods are on board except as above excepted, twenty days, exclusive of Sundays and Holidays, as above, shall be allowed from the date of such Certificate for the lading outwards of a Vessel not exceeding six hundred tons, and thirty days for Vessels exceeding that burthen, after which periods respectively the Master shall be charged with the wages and expenses of the Customs Officer on board to the date of the Vessel's sailing from the port.

XLIX. And it is hereby enacted, that when upon application from the Master of any Vessel the Customs Officer shall be removed from on board thereof under the provisions to that effect contained in the last preceding Section of this Act, if the Master of such Vessel shall before a Customs Officer have again been placed in such Vessel put on board of such Vessel, or cause or suffer to be put on board of such Vessel, any Goods whatever, such Master shall be punished with a fine not exceeding One Thousand Rupees, and the Goods shall be liable to be re-landed for examination at the expense of the Shippers, upon requisition to that effect from the Collector of Customs.

Penalty for putting Goods on board a Vessel after Customs Officer's removal therefrom. and before a Customs Officer have again been placed thereon.

L. And it is hereby enacted, that a Port Clearance shall be granted by the Collector of Customs or other authorized Officer to the Master or Commander of every Vessel clearing out from the ports of the Presidency of Fort St. George, provided such Master or Commander shall have complied with the terms prescribed by this Act, and with the rules of the port concerned, and shall produce a Certificate from the proper Officer or Officers of all Port Charges and public demands against him of whatever nature having been duly paid and discharged.

A Port Clearance to be granted to the Master of every Vessel on Certificate of all public demands against him having been satisfied.

LI. And

ACT No. VI. OF 1844.

Rules for levying Duty on Goods passed through Custom House for shipment after grant of Port Clearance.

LI. And it is hereby enacted, that upon any Goods liable to Duty that may be passed through the Custom House for shipment, the application for which shall be presented after Port Clearance shall have been taken out, double of the prescribed Duty shall in all cases be levied, and if the Goods be free or have already paid Import Duty, or have been imported free under Certificate, five per cent. upon the Market value shall be levied thereon, or if the same be imported Goods entitled to Drawback, the Drawback shall be forfeited, but no separate Duty shall be levied on Drawback Goods.

Cargo of Vessels putting back from stress of weather, or damage, and compelled to re-land Cargo, to be taken charge of by Customs Officers, and lodged in such place as the Collector may direct.

LII. And it is hereby enacted, that when a Vessel having cleared out from any port shall put back from stress of weather, or it shall for any damage or from other cause be necessary that the Cargo of a Vessel that has cleared out shall be unshipped or re-landed, a Customs Officer shall be sent to watch the Vessel and take charge of the Cargo during such re-landing or removal from on board, and the Goods on board such Vessel shall not be allowed to be transhipped or re-exported free of Duty by reason of the previous settlement of Duty at the time of first export unless the Goods shall be lodged in such place, as shall be allowed by the Collector of Customs, and shall remain while on land, or while on board of any other Vessel under special charge of the Officers of Customs until the time of re-export, and all Charges attending such custody shall be borne by the Exporter; Provided, however, that in all cases of return to port after Port Clearance on account of damage or for stress of weather, it shall be lawful for the Owner, or for the Master to enter the Vessel and land the Cargo under the rules for the importation of Goods, and the Export Duty shall in that case be refunded and the amount paid in Drawback be reclaimed, and if Goods on account of which Drawback has been paid be

Proviso, under which the Cargo may be landed as imported Goods, and the Export Duty refunded.

ACT No. VI. OF 1844.

be not found on board the Vessel, the Master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the Collector of Customs.

Penalty for a Master putting back into Port without Goods on which Drawback has been allowed.

LIII. And it is hereby enacted, that when Goods shall be re-landed before the lading of any Vessel is complete, and before Port Clearance has been granted, the Duty levied upon such Goods shall be returned to the Exporter, but no refund shall be made of Duty paid on the export of any Goods after Port Clearance shall have been granted for the Vessel on which the Goods were exported, unless the Vessel shall have put back for stress of weather or for damage, and the Goods shall have been re-landed under the rule contained in the last preceding Section of this Act.

Duty on Goods re-landed before the lading is complete to be refunded, but not after grant of Port Clearance.

Unless the Vessel have put back for stress of weather or damage.

LIV. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the Coasting and Country Craft of the British Territories, for the delivery of Manifests of the Cargo of such Vessels, and for the landing of Goods therefrom, and shipping of Goods thereon, and that whoever being in charge of any such Craft shall knowingly contravene any such rule shall be liable to a fine not exceeding One Hundred Rupees for each offence.

Penalty on Coasting and Country Craft for contravening such rules as Governor in Council may lay down for their regulation.

LV. And it is hereby enacted, that Pattamars, Dhonies, and other small Craft from the Maldiva or Laccadive Islands, or from the Native Ports of Kattywar and Cutch, and of the Travancore and Cochin States, shall be treated in the ports of the Presidency of Fort St. George like the Coasting Craft of the British Territory, provided that they conform to such special Regulations as to the place of anchoring and mode of landing and shipping Goods, as may be made by the Governor in Council

Specification of Native Craft to be treated like Coasting Craft of the British Territories.

cil

ACT No. VI. OF 1844.

oil for such Vessels in the several ports of the Presidency of Fort St. George.

No Drawback allowed on Goods shipped on such Native Craft.

LVI. And it is hereby enacted, that no Drawback shall be allowed on Goods shipped on such Native Craft as are described in the last preceding Section of this Act.

Good re-exported in the same Vessel not subject to Duty; Duty to be levied on transhipped Goods as if they had been landed and re-exported.

LVII. And it is hereby enacted, that Goods exported in the same Vessels if manifested for re-export, shall not be subject to Import or Export Duty, and if any Goods brought to any port in any Vessel be transhipped in such port, they shall in all cases be subject to the same Duty as if they had been landed and passed through the Custom House for re-exportation in the Vessel into which they may be transhipped.

Goods to be liable to confiscation if transhipped without special license from Collector.

LVIII. And it is hereby enacted, that no transhipment shall be made of any Goods except under special order in writing from the Collector of Customs of the port, and that Goods transhipped or attempted to be transhipped without such order shall be liable to confiscation.

Customs Officer to superintend transhipment.

LIX. And it is hereby enacted, that an Officer of Customs shall in all cases be deputed to superintend the removal of Goods from Vessel to Vessel.

The Collector competent to adjudge confiscations.

LX. And it is hereby enacted, that in all cases in which under this Act Goods are liable to confiscation, the Collector of Customs of the place where those Goods may be shall be competent to adjudge such confiscation.

The Collector may exact payment of fines before granting Port Clearance.

LXI. And it is hereby enacted, that if any person in charge of a Vessel shall have become liable to any fine on account

ACT No. VI. OF 1844.

account of any act or omission relating to Customs, the Collector of Customs shall be competent, subject to the orders of the Governor in Council of the Presidency of Fort St. George, to refuse Port Clearance to such Vessel until the fine shall be discharged.

LXII. And it is hereby enacted, that it shall be lawful for any Collector of Customs, or other Officer who may be authorized to adjudicate Customs Cases, if he shall decide that a seizure of Goods made under the authority of this Act was vexatious and unnecessary, to adjudge damages to be paid to the Proprietor by the Customs Officer who made such vexatious seizure, besides ordering the immediate release of the Goods; and if the Proprietor accept such damages, no action shall thereafter lie against the Officer of Customs in any Court of Justice on account of such seizure: and if such Adjudicating Officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double Duty: and if the said Officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the Goods, a proportion not exceeding one-half shall be distributed in rewards amongst such Officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

Empowering Collectors of Customs to decide upon cases of seizure and to adjudge damages.

To mitigate penalty of confiscation to the extent of the levy of double Duty.

And to distribute part proceeds of sale of confiscated Goods in rewards among Seizing Officers.

LXIII. And it is hereby enacted, that all Officers of Customs shall as heretofore be amenable to the Civil Courts of the Presidency of Fort St. George by action for damages on account of any executive acts done in their official capacity at the suit of the parties injured by such acts. Provided, however, that no suit shall lie against a Collector of Customs or other Officer for

All Officers of Customs amenable to Civil Courts.

Proviso.

any

ACT No. VI. OF 1844.

any Judicial award in a matter of Customs passed under the preceding Section of this Act.

Penalty for obstructing Customs Officers in the exercise of their powers.

LXIV. And it is hereby enacted, that whoever intentionally obstructs any Officer in the exercise of any powers given by this Act to such Officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding One Thousand Rupees, or both.

Penalty for Customs Officer receiving consideration for doing or forbearing any official act.

LXV. And it is hereby enacted, that whoever, being an Officer appointed under the authority of this Act, shall accept, ^{obtain or} attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

Penalty for a Customs Officer concerned in defrauding the Customs Revenue.

LXVI. And it is hereby enacted, that whoever being an Officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the Customs Revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

Penalty for exacting Customs or Duties without authority as a Customs Officer.

LXVII. And it is hereby enacted, that whoever not being an Officer appointed under this Act, or authorized by any Regulation to collect Customs or Duties shall exact Customs or Duties of any denomination on any pretence whatsoever whether as principal or Agent, shall be punished with imprisonment for a term not exceeding two years, or fine, or both, and furthermore shall be liable for such damages as may be obtained against him, on the suit of the party injured, by action in any of the Civil Courts of the Presidency of Fort St. George.

LXVIII. And

ACT No. VI. OF 1844.

LXVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George by an Order in Council, to transfer any of the powers given to a Collector of Customs by this Act to any other functionary and to make any rules consistent with law for the carrying of this Act into effect, and to establish such Wharves and appoint such Officers as he shall think fit, and to fix Rates of Wharfage and of Rent to be paid for Goods deposited or suffered to lie in the godowns of the Custom House.

The Governor in Council may transfer the powers of Collector of Customs to any other Officer, and may make rules and appoint Officers to carry this Act into effect, and fix rates of Wharfage and Rent.

SCHEDULE A.

RATES OF DUTY TO BE CHARGED ON GOODS IMPORTED BY SEA INTO ANY
PORT OF THE PRESIDENCY OF FORT ST. GEORGE.

No.	ENUMERATION OF GOODS.	When Imported on British Bottoms.	When Imported on Foreign Bottoms.
1	Bullion and Coin, ...	Free.	Free.
2	Precious Stones and Pearls, ...	Ditto.	Ditto.
3	Grain and Pulse other than Rice and Paddy,	Ditto.	Ditto.
4	Rice and Paddy, ...	2 Annas per bag not ex- ceeding 2 Maunds of 80 Tolas to the Seer, or if imported other- wise than in bags, 1 Anna per Maund.	4 Annas per bag not ex- ceeding 2 Maunds of 80 Tolas to the Seer, or if imported other- wise than in bags, 2 Annas per Maund.
5	Horses and other living Animals, ...	Free.	Free.
6	Ice, ...	Ditto.	Ditto.
7	Coal, Coke, Bricks, Chalk, Stones, (Marble and wrought Stones excepted,)	Ditto.	Ditto.
8	Books printed in the United Kingdom or in any British Possession, ...	Ditto.	3 per Cent.
9	Foreign Books, ...	3 per Cent.	6 per Cent.
10	Marine Stores, the produce or manufac- ture of the United Kingdom or of any British Possession, ...	3 per Cent.	6 per Cent.
11	Ditto ditto, the produce or manufacture of any other place or country, ...	6 per Cent.	12 per Cent.
12	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or any British Possession, ...	3 per Cent.	6 per Cent.
13	Metals, ditto ditto, excepting Tin, the pro- duce or manufacture of any other place, ...	6 per Cent.	12 per Cent.
14	Tin, the produce of any other place than the United Kingdom or any British Possession, }	10 per Cent.	20 per Cent.
15	Woollens, the produce or manufacture of the United Kingdom or any British Possession, }	2 per Cent.	4 per Cent.
16	Ditto, the produce of any other place or country, ...	4 per Cent.	8 per Cent.
17	Cotton Wool, not covered by Certificate of the payment of Export Duty at any other Port of Fort St. George, ...	9 As. per Maund of 80 Tolas to the Seer.	1 R. 2 As. per Maund of 80 Tolas to the Seer.
18	Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of the United Kingdom or of any British Possession, ... }	3½ per Cent.	7 per Cent.
19	Ditto, the produce of any other place, ...	7 per Cent.	14 per Cent.
20	Opium, ...	24 Rs. per Seer of 80 Tolas.	24 Rs. per Seer of 80 Tolas.
21	Salt, ...	3 Rs. per Maund of 80 Tolas to the Seer.	3 Rs. per Maund of 80 Tolas to the Seer.
22	Alum, ...	10 per Cent.	20 per Cent.
23	Betel Nut, raw, ...	5 per Cent.	10 per Cent.
24	Betel Nut, boiled, ...	10 per Cent.	20 per Cent.
25	Camphor, ...	10 per Cent.	20 per Cent.
26	Cassia, ...	10 per Cent.	20 per Cent.
27	Cloves, ...	10 per Cent.	20 per Cent.
28	Coffee, ...	7½ per Cent.	15 per Cent.
29	Coral, ...	10 per Cent.	20 per Cent.
30	Nutmegs and Mace, ...	10 per Cent.	20 per Cent.
31	Pepper, ...	10 per Cent.	20 per Cent.
32	Rattans, ...	7½ per Cent.	15 per Cent.
33	Tea, ...	10 per Cent.	20 per Cent.
34	Vermillion, ...	10 per Cent.	20 per Cent.
35	Wines and Liqueurs, ...	10 per Cent.	20 per Cent.
36	Spirits, ...	9 As. per Impl. Gall.	1 R. per Impl. Gall.
	And the Duty on Spirits shall be rateably in- creased as the strength exceeds London proof, and when imported in bottles 5 quart bottles shall be deemed equal to the Imperial Gallon.		
37	Tobacco, ...	10 per Cent.	20 per Cent.
	All Articles not included in the above enu- meration, ...	3½ per Cent.	7 per Cent.

ACT No. VI. OF 1844.

And if the Collector of Customs shall see reason to doubt whether the Goods liable to a different rate of Duty according to the place of their production come from the country from which they are declared to come by the Importer, it shall be lawful for the Collector of Customs to call on the Importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said Collector of the truth of the declaration, the Goods shall be charged with the highest rate of Duty, subject always to an Appeal to the Governor in Council of Fort St. George.

And upon the re-export by Sea of Goods imported, excepting Opium and Salt, and all Goods of the growth, production, or manufacture of the Continent of India, provided the re-export be made within two years of the date of Import as per Custom House Register, and the Goods be identified to the satisfaction of the Collector of Customs there shall be retained one-eighth of the amount of Duty levied, and the remainder shall be repaid as Drawback.

But no Exporter of imported Goods shall be entitled to Drawback, unless the Drawback be claimed at the time of re-export, nor shall any payment be made of Drawback unless the amount claimed be demanded within one year from the date of entry of the Goods for re-export in the Custom House Register.

SCHEDULE B.

RATES OF DUTY TO BE CHARGED ON GOODS EXPORTED BY SEA FROM ANY PORT OR PLACE IN THE PRESIDENCY OF FORT ST. GEORGE.

No.	ENUMERATION OF GOODS.	Exported on British Bottoms.	Exported on Foreign Bottoms.
1	Bullion and Coin,.....	Free.	Free.
2	Precious Stones and Pearls, ...	Ditto.	Ditto.
3	Books, Maps and Drawings, printed in India,	Ditto.	Ditto.
4	Horses and living Animals, ...	Ditto.	Ditto.
5	Cotton Wool, exported to Europe, the United States of America or any British Possession in America, ...	Ditto.	9 As. per Maund of 80 Tolas to the Seer.
6	Ditto ditto, exported to places other than above,.....	9 As. per Maund of 80 Tolas to the Seer.	1 R. 2 As. per Maund of 80 Tolas to the Seer.
7	Sugar and Rum, exported to the United Kingdom, or to any British Possession, not being a British Possession or Settlement on the Continent of India, including Bombay,.....	Free.	3 per Cent.
8	Ditto ditto, exported to any other place including any British Possession or Settlement on the Continent of India, including Bombay,.....	3 per Cent.	2 1/2 per Cent.
9	Grain and Pulse of all sorts, other than Rice and Paddy,.....	1 Anna per bag not exceeding 2 Maunds of 80 Tolas to the Seer, or if exported otherwise than in bags 1/2 an Anna per Maund.	2 As. per bag not exceeding 2 Maunds of 80 Tolas to the Seer, or if exported otherwise than in bags 1 Anna per Maund.
10	Rice and Paddy, ...	2 Annas per bag as above, or one Anna per Maund.	4 Annas per bag as above, or 2 Annas per Maund.
11	Indigo, ...	3 Rs. per Maund of 80 Tolas to the Seer.	6 Rs. per Maund of 80 Tolas to the Seer.
12	Salt, having paid the price fixed to be paid on Salt declared for exportation to Ports or Places not being subordinate to the Presidency of Fort St. George, ...	Free.	Free.
13	Tobacco, ...	10 per Cent.	20 per Cent.
14	Opium, not covered by a Pass,.....	Prohibited.	Prohibited.
	All Articles not included in the above enumeration, ...	3 per Cent.	6 per Cent.

ACT No. VI. OF 1844.

And upon the re-export to Europe, the United States of America, or to any British Possession in America, from Madras or from any other Port of the Presidency of Fort St. George, of Cotton that has been imported under Certificate of the payment of the Duty specified in this Schedule, provided that the re-export be made, in British Bottoms, within two years from the date of such Certificate, and the amount be claimed within one year from the date of re-export as per Custom House Registers, the whole amount of Export Duty levied at the first place of export, shall be refunded.

SCHEDULE C.

MANIFEST OF GOODS IMPORTED PER
COMMANDER, FROM UNDER COLOR, Viz

Marks.	Numbers.	Packages.	Quantity.	Weight.	Gallons.	Yards.	Description of Goods.	Invoice Value.	Tariff Value.
A.	1 @ 5	5 Cases,	250 pieces,	0	0	3000	Cambrics, ... Long Cloths, bleached,... Long Cloths, unbleached, Madapollams, bleached,.. Ditto, unbleached, ... Plain Muslins, ...		

N. B. Articles generally to be specified, excepting such as Ironmongery, Hard Ware, Glass Ware, Earthen Ware, Cutlery, Perfumery, Confectionary, Stationery and such like. All Articles from Great Britain to be entered according to the English weight, not Native.

From China in like manner, in China weights.

In Imports and Exports of Bullion or Coin, to specify the sort of which they consist.

1844/45
Civil and
Ind no 81

1844/45
Civil and Ind. No. 255.

ACT No. VII. OF 1844.

*Passed by the Right Hon'ble the Governor General of India in
Council on the 6th April 1844.*

An Act for improving the Law of Evidence.

I. **W**HEREAS the enquiry after truth in Her Majesty's Courts of Justice is often obstructed by incapacities created by the present Law, and it is desirable that full information as to the facts in issue, both in Criminal and in Civil Cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony :

It is hereby enacted, that within the local jurisdiction of Her Majesty's Courts, no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence, either in person or by deposition, according to the practice of the Court on the trial of any issue joined, or of any matter or question, or on any enquiry arising in any suit, action or proceeding, Civil or Criminal, in any of Her Majesty's Courts, or before any Judge, Jury, Sheriff, Coroner, Magistrate, Officer or person having by Law or by consent of parties, authority within the jurisdiction of Her Majesty's Courts to hear, receive and examine evidence, but that every person

ACT No. VII. OF 1844.

so offered may and shall be admitted to give evidence on oath or solemn affirmation, in those cases wherein affirmation is by Law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question or enquiry, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence : Provided, that this Act shall not render competent any party to any suit, action, or proceeding individually named in the record, or any lessor of the plaintiff or tenant of premises sought to be recovered in ejectment, or the Landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, or the husband or wife of such persons respectively : Provided also, that this Act shall not repeal any provision in the Act of the Government of India XXV. of 1838. Provided, that in any of Her Majesty's Courts sitting in Equity, any defendant to any cause pending in any such Court so sitting, may be examined as a witness on the behalf of the plaintiff, or of any co-defendant in any such cause, saving just exceptions ; and that any interest which such defendant so to be examined may have in the matter or any of the matters in question in the cause, shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as affecting or tending to affect the credit of such defendant as a witness.

II. And it is hereby enacted, that nothing in this Act shall apply to, or affect any suit, action, or proceeding, brought or commenced before the passing of this Act.

ACT No. VIII. OF 1844.

*Passed by the Right Hon'ble the Governor General of India
in Council on the 9th April, 1844.*

*An Act to authorize the Governments of Fort William in Bengal, Fort St.
George and Bombay, to remove Native Officers, Soldiers and Followers
imprisoned under Sentence of a Court Martial from one Prison to another.*

IT is hereby enacted, that whenever any Native Officer or Soldier, or Follower, belonging to the Forces of the East India Company, shall be a prisoner in any public prison or other place within the Territories subject to the Government of the said Company under sentence of any Court Martial, it shall be lawful for the Governor or Governor in Council (as the case may be) of the Presidency, in which such public prison or other place may be situated to give an order in writing to the Gaoler thereof, or other person in charge thereof, commanding him to deliver up such prisoner to the person producing such order, and such Gaoler or other person shall deliver up such prisoner at any period of his imprisonment to the person producing such order either for his discharge or in order that he may be removed in Military custody to undergo the remainder of his sentence, to such other public prison

or

ACT No. VIII. OF 1844.

or such other place as such Governor or Governor in Council (as the case may be) may direct, provided that such other public prison or other place shall be within the Presidency subject to the Government of the Governor or Governor in Council (as the case may be) who shall have given such order, and provided that the time of imprisonment on removal from one prison to another, or while the prisoner is in custody for any intermediate period shall be reckoned as part of the original period of imprisonment for which such prisoner shall have been sentenced.

Civil and Ind. No 608 of 1844/45

ACT No. IX. OF 1844.

*Passed by the Right Hon'ble the Governor General of India
in Council on the 13th April, 1844.*

*An Act for authorizing the institution of Suits in the Courts of Principal Sudder
Ameens and Sudder Ameens*

I. **I**T is hereby enacted, that within the Territories subject to the Presidencies of Fort William in Bengal, Fort St. George and Bombay, all Suits within the competency of a Principal Sudder Ameen or Sudder Ameen to decide, shall ordinarily be instituted in the Courts of those Officers respectively.

II. Provided nevertheless, and it is hereby enacted, that it shall be competent to a Zillah or City Judge to withdraw such Suits from the Court in which they may have been instituted, and to try them himself, or to refer them for trial to any other Court subordinate to his authority, and competent in respect to the value of the Suit whenever he may see sufficient reason for so doing.

III. And it is hereby enacted, that whenever there shall be more than one Principal Sudder Ameen, or more than one Sudder Ameen attached to
the

ACT No. IX. OF 1844.

the Court of any Zillah or City Judge, and not having any special local jurisdiction, it shall be the duty of such Judge to appoint from time to time the several Moonsiffs' divisions which shall constitute the special local jurisdiction of each of such Principal Sudder Ameens and Sudder Ameens, and that each of such Principal Sudder Ameens and Sudder Ameens shall be empowered to take cognizance of all such Suits as are mentioned in Section I. of this Act, provided the landed or other real property to which the Suit may relate shall be situated, or in all other cases the cause of action shall have arisen, or the defendant at the time when the Suit may be commenced shall reside as a fixed inhabitant within the limits of such local jurisdiction as aforesaid.

IV. And it is hereby enacted, that it shall be competent to the Zillah or City Judge to receive a Summary Appeal from the orders of any Principal Sudder Ameen or Sudder Ameen, rejecting any Original Suit cognizable by him, and that all Rules applicable to Summary Appeals from orders dismissing Original Suits on the ground of any default shall be applicable to the Summary Appeals given by this Act.

V. And it is hereby enacted, that in all Suits which in respect to value are cognizable by a Sudder Ameen, the same Stamps shall be sufficient in any other Court as would have been sufficient in the Court of a Sudder Ameen.

Civil and Ind. No 609 of 1844/45

ACT No. X. OF 1844.

*Passed by the Right Hon'ble the Governor General of India
in Council on the 11th May, 1844.*

*An Act to amend the Law respecting the period of the Execution of Persons
convicted of the crime of Murder.*

WHEREAS by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled an Act for improving the Administration of Criminal Justice in the East Indies, it was amongst other things enacted that every person convicted of Murder should be executed according to Law on the day next but one after that on which the sentence should be passed unless the same should happen to be Sunday and in that case on the Monday following, and that sentence should be pronounced immediately after the conviction of every Murderer unless the Court should see reasonable cause for postponing the same, and such sentence should express not only the usual judgment of death but also the time thereby appointed for the execution thereof: and it was by the said Act provided that after such sentence should have been pronounced it should be lawful for the Court or Judge to stay the execution thereof if such Court or Judge should so think fit: and whereas for the ends of justice, and especially more effectually to preserve from an irrevocable punishment,

ACT No. X. OF 1844.

punishment, any persons who may hereafter be convicted upon erroneous or perjured evidence, it is expedient to alter and amend the said recited Act in these respects :

I. It is therefore hereby enacted, that from and after the passing of this Act so much of the said Act as is hereinbefore recited shall cease to have effect within the Territories subject to the Government of the East India Company.

II. And it is hereby further enacted, that from and after the passing of this Act, sentence of death may be pronounced after convictions for Murder by any Judge of any of Her Majesty's Courts of Justice within the Territories subject to the Government of the East India Company in the same manner, and the Judge shall have the same power in all respects as after convictions for other capital offences.

Civil and Ind. No 610 of 1844/45

ACT No. XI. OF 1844.

*Passed by the Right Hon'ble the Governor General of India
in Council on the 18th May, 1844.*

*An Act for the Improvement of the Administration of Justice and despatch of
Business in the Supreme Court of Judicature at Fort William in Bengal.*

I. **I**T is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Fort William in Bengal, when occasion shall so require to sit apart from the other Judges or Judge, as the case may be, of the same Court for the despatch of the Criminal Business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of Business in the said Supreme Court, and that all proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Gaol Delivery under the Charter of the said Court.

II. And it is hereby further enacted, that all Business of what nature or kind soever which the said Supreme Court of Judicature at Fort William
in

ACT No. XI. OF 1844.

in Bengal may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all proceedings whatever before the said Court out of Term, shall be as good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had in Term, and that all Rules and Orders of the said Court as to all Judgments, Executions or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions or other Proceedings given, issued or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

Civil and Ind. no 1497 of 1844/45

ACT No. XII. OF 1844.

*Passed by the Right Hon'ble the Governor General of India
in Council on the 25th May, 1844.*

*An Act for better securing the observance of an Exact Discipline in the
Indian Navy.*

I. **W**HEREAS by an Act of the British Parliament passed in the Session held in the 3d and 4th years of His late Majesty King William the 4th, intituled “An Act for effecting an arrangement with the East India Company, and for the better Government of His Majesty’s Indian Territories till the 30th day of April 1854”—It is among other things enacted, that the Governor General of India in Council shall have power to make Laws and Regulations for repealing, amending or altering any Laws or Regulations whatever then in force, or thereafter to be in force in the said Territories, or any part thereof, and to make Laws and Regulations for all persons whether British or Native Foreigners, or others, and for all Courts of Justice whether established by His Majesty’s Charters or otherwise, and the jurisdiction thereof, and for all places and things whatsoever within and throughout the whole or any part of the said Territories, and for all Servants of the said

ACT No. XII. OF 1844.

Company within the dominions of Princes and States in alliance with the said Company, save and except that the said Governor General in Council shall not have the power of making any Laws or Regulations which shall in any way repeal, vary, suspend or affect any of the provisions of the now reciting Act, or any of the provisions of the Acts for punishing mutiny and desertion of Officers and Soldiers, whether in the Service of His Majesty or the said Company, or any provisions of any Act thereafter to be passed in anywise affecting the said Company, or the said Territories or the Inhabitants thereof, or any Laws and Regulations which shall in any way affect any Prerogative of the Crown or the Authority of Parliament, or the constitution or rights of the said Company, or any part of the unwritten Laws or Constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the Sovereignty or Dominion of the said Crown over any part of the said Territories.

And it is thereby provided and enacted, that in case the Court of Directors of the said Company, under such control as by the now reciting Act is provided, shall signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor General in Council made, then and in every such case upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council shall forthwith repeal all Laws and Regulations so disallowed. And it is also provided and enacted, that all Laws and Regulations made as aforesaid so long as they shall remain unrepealed shall be of the same force and effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories in the same manner as any Public Act of Parliament would and ought to be taken notice of,

ACT No. XII. OF 1844.

of, and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council. And it is thereby also provided and enacted, that it shall not be lawful for the said Governor General in Council without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power shall be given to any Courts of Justice other than the Courts of Justice established by His Majesty's Charters, to sentence to the punishment of death, any of His Majesty's natural born subjects born in Europe, or the children of such subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

And whereas by another Act passed in the Session held in the 3d and 4th years of the Reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for providing for the observance of Discipline in the Indian Navy, and to amend the Laws for regulating the payment of Regimental Debts and the distribution of the Effects of Officers and Soldiers dying in Service," reciting that the said Company for the safety and protection of the Territories under their Government in addition to their Land Forces maintain a Marine Establishment theretofore called "The Bombay Marine," but then called "The Indian Navy;" and that by an Act passed in the 9th year of the Reign of King George the 4th, intituled "An Act to extend the provisions of the East India Mutiny Act to the Bombay Marine," reciting an Act of the 4th year of King George the 4th, and that it was expedient that discipline should be enforced in the said Marine Establishment in the manner provided by the said Act of the 4th year of King George the Fourth in respect to the other Forces of the said Company, it is enacted, that the provisions of the said Act of the 4th year of King George the 4th, and the Rules and Articles of War made and to be made by virtue thereof

ACT No. XII. OF 1844.

thereof should extend and be applied to the Service of "The Bombay Marine," and that all persons in the service of the said Company belonging to the said Bombay Marine who should be Commissioned or in pay as Officers, or enlisted or in pay as Non-Commissioned Officers or Soldiers respectively in the said Company's Army should be to all intents and purposes liable to the provisions of the said Act of the 4th year of His Majesty King George the Fourth, and to the same Rules and Articles of War, and the same penalties as the Officers and Soldiers of the said Company's other Forces, and reciting that it is expedient to provide other means for enforcing discipline in the said Marine Establishment called "The Indian Navy," it was amongst other things enacted that for the retaining the Forces of the said Establishment in their duty the Governor General of India in Council should have power to make Laws and Regulations for securing the observance of an exact discipline in the said Service called "The Indian Navy," and for bringing to a more exemplary and speedy punishment than the usual forms of the Law will allow all Officers, Engineers, Soldiers, Marines, Seamen and all others belonging to the said Marine Establishment who should mutiny, or stir up sedition, or should desert the said Service, or should commit any other offence which in its nature would be cognizable by Court Martial under the now reciting Act, or which might be against good discipline in Naval Service in the same, and as full and ample manner to all intents and purposes as by virtue of the said Act passed in the Session held in the 3d and 4th years of the reign of his late Majesty King William the Fourth, the said Governor General in Council then had power to make any Laws and Regulations whatsoever, any thing in the said last mentioned Act, or any other Act or Acts to the contrary notwithstanding. And it was thereby provided and enacted, that in case the Court of Directors of the East India Company, under the control of the Board of Commissioners for the Affairs of India, should signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor

ACT No. XII. OF 1844.

Governor General in Council made by virtue of the now reciting Act, then and in every such case upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council should forthwith repeal all Laws and Regulations so disallowed. And it was also provided and enacted that all Laws and Regulations made as aforesaid so long as they should remain unrepealed should be of the same force and effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and should be taken notice of by all Courts of Justice whatsoever within the same Territories in the same manner as any public Act of Parliament would and ought to be taken notice of, and it should not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

And it was also provided and enacted, that it should not be lawful for the said Governor General in Council without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power should be given to any Court other than the Courts of Justice established by the Charters of the Crown, to sentence to the punishment of death any of Her Majesty's natural born subjects born in Europe or the children of such subjects.

And it was also provided and enacted, that until the said Governor General in Council should have made Laws and Regulations for the good Government of the said "Indian Navy" by virtue of the powers by the now reciting Act for that purpose given, all the provisions of the now reciting Act, and the Rules and Articles of War to be made by virtue thereof should extend and be applied to the said Marine Establishment called the "Indian Navy," and that all persons in the Service of the said Company belonging to the said Indian Navy who should be Commissioned or in pay as Officers, or enlisted

ACT No. XII. OF 1844.

or in pay as Non-Commissioned Officers or Soldiers respectively in the said Company's Army, should be to all intents and purposes liable to the provisions of the now reciting Act, and to the same Rules and Articles of War, and the same penalties as the Officers and Soldiers of the said Company's other Forces.

And whereas it is deemed expedient to place the Indian Navy under Articles and Orders as nearly similar as may be to those in force in Her Majesty's Navy, and the Court of Directors of the East India Company have given their previous sanction to the several Enactments hereinafter contained, and to all and singular the Laws and Regulations hereby made. Now it is therefore hereby enacted, that from and after the First day of October 1844, the Articles and Orders hereinafter following as well in time of Peace as in time of War shall be duly observed and put in execution in manner hereinafter mentioned.

1. All Captains, Commanders, and Officers, in or belonging to any of the East India Company's Ships or Vessels of War shall cause the public Worship of Almighty God according to the Liturgy of the Church of England established by Law to be solemnly, orderly and reverently performed in their respective Ships, and shall take care that Prayers and Preaching be performed diligently, and that the Lord's Day be observed according to Law.

2. All Officers, Engineers, Soldiers, Marines, Seamen and others belonging to the Indian Navy, being guilty of profane Oaths, Cursing, Execrations, Drunkenness, Uncleaness or other Scandalous Actions, in derogation of God's honor and corruption of good manners shall incur such punishment as a Court Martial shall think fit to impose, and as the nature and degree of their offence shall deserve.

3. If

ACT No. XII. OF 1844.

3. If any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy shall give, hold or entertain intelligence to, or with any Enemy or Rebel without leave from the Queen's Majesty, or the Governor General in Council, or the Governor in Council of the Presidency under which they serve, or persons duly authorized, Commander in Chief or his Commanding Officer, every such person so offending and being thereof convicted by the sentence of a Court Martial shall be punished with death, or such other punishment as the nature and degree of the offence may deserve or the Court Martial shall impose.

4. If any Letter or Message from any Enemy or Rebel be conveyed to any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy, and the said Officer, Engineer, Soldier, Marine, Seaman or other person as aforesaid shall not within twelve hours having opportunity so to do acquaint his Superior Officer, or the Officer Commanding in Chief with it, or if any Superior Officer belonging to the Indian Navy being acquainted therewith shall not in convenient time reveal the same to the Officer Commanding in Chief the Squadron, every such person so offending and being convicted thereof by the sentence of a Court Martial shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

5. All Spies and all persons whatsoever who shall come or be found in the nature of Spies within the Territories under the Government of the East India Company to bring or deliver any Seducing Letters or Messages from any Enemy or Rebel, or endeavour to corrupt any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy to betray his trust, being convicted of any such offence by the sentence of a Court Martial, shall be punished with death, or shall suffer such other punishment

ACT No. XII. OF 1844.

ment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

6. No person belonging to the Indian Navy shall relieve an Enemy or Rebel, with Money, Victuals, Powder, Shot, Arms, Ammunition, or any other supplies whatsoever, directly or indirectly, upon pain of death, or such other punishment as a Court Martial shall think fit to impose, and as the nature and degree of the crime shall deserve.

7. All the Papers, Charter Parties, Bills of Lading, Passports and other writings whatsoever that shall be taken, seized or found aboard any Ship or Vessel which shall be surprized or taken as prize shall be duly preserved, and the very originals shall, by the Commanding Officer of the Ship or Vessel which shall take such prize, be sent entirely and without fraud to the Court of Admiralty, or such other Court or Commissioners as shall be authorized to determine whether such prize be lawful capture, there to be viewed, made use of and proceeded upon according to Law upon pain that every person offending therein shall forfeit and lose all share of the capture, and shall suffer such further punishment as the nature and degree of his offence shall be found to deserve and the Court Martial shall impose.

8. No person in or belonging to the Indian Navy shall take out of any Prize, or Ship or Vessel seized for prize, any Money, Plate or Goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of Her Majesty's Ships or Vessels of War, or of any of the Ships or Vessels of the Indian Navy, before the same be adjudged lawful prize in some Admiralty or other competent Court, but the full and entire account of the whole without embezzlement shall be brought in and judgment passed entirely upon the whole without fraud, and upon pain that
every

ACT No. XII. OF 1844.

every person offending herein shall forfeit and lose all share of the capture, and suffer such further punishment as shall be imposed by a Court Martial, or such Court of Admiralty according to the nature and degree of the offence.

9. If any Ship or Vessel shall be taken as prize none of the Officers, Mariners or other persons on board her shall be stripped of their clothes, or in any sort pillaged, beaten or evil treated upon pain that the person or persons so offending shall be liable to such punishment as a Court Martial shall think fit to inflict.

10. Every Superior Officer belonging to the Indian Navy, who upon signal or order of fight, or sight of any Ship or Vessel which it may be his duty to engage, or who upon likelihood of engagement shall not make the necessary preparations for fight, and shall not in his own person and according to his place encourage the inferior Officers and men to fight courageously shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve; and if any person belonging to the Indian Navy shall treacherously or cowardly yield or cry for quarter, any person so offending and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

11. Every person belonging to the Indian Navy who shall not duly observe the orders of the Officer Commanding in Chief the Squadron or Division, or other his Superior Officer, for assailing, joining battle with, or making defence against any Fleet, Squadron, or Ship or Vessel, or shall not obey the orders of his Superior Officer as aforesaid in time of action to the best of his power, or shall not use all possible endeavours to put the same effectually in execution, every such person so offending and being convicted

ACT No. XII. OF 1844.

thereof, by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

12. Every person belonging to the Indian Navy who through cowardice, negligence or disaffection shall in time of action withdraw or keep back, or not come into the fight or engagement, or shall not do his utmost to take or destroy every Ship and Vessel which it shall be his duty to engage, and to assist and relieve all and every the Ships and Vessels of Her Majesty and of the East India Company, or of Her Majesty's or the said Company's Allies, which it shall be his duty to assist and relieve, every such person so offending, and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

13. Every person belonging to the Indian Navy who through cowardice, negligence or disaffection shall forbear to pursue the chase of any Enemy, Pirate or Rebel, beaten or flying, or shall not relieve or assist a known friend in view to the utmost of his power, being convicted of such offence by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

14. If when action or any service shall be commanded, any person belonging to the Indian Navy shall presume to delay or discourage the said action or service upon pretence of arrears of wages, or upon any pretence whatsoever, every person so offending being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

15. Every

ACT No. XII. OF 1844.

15. Every person in or belonging to the Indian Navy who shall desert to any Enemy, Pirate or Rebel, or run away with any of the Ships or Vessels of War of Her Majesty or of the East India Company, or any Ordnance, Ammunition, Stores or Provisions belonging thereto, to the weakening of the service, or yield up the same cowardly or treacherously to any Enemy, Pirate or Rebel, being convicted of any such offence by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

16. Every person belonging to the Indian Navy who shall desert or entice others so to do, shall suffer death, or such other punishment as the circumstances of the offence shall deserve and a Court Martial shall judge fit; and if any Commanding Officer of any of the East India Company's Ships or Vessels of War shall receive or entertain a deserter from any other Ship or Vessel of Her Majesty or of the East India Company, after discovering him to be such deserter, and shall not with all convenient speed give notice to the Captain of the Ship or Vessel to which such deserter belongs; or if the said Ships or Vessels are at any considerable distance from each other, to the Government or to the Officer Commanding in Chief, every person so offending, and being convicted thereof by the sentence of a Court Martial shall be cashiered.

17. The Officers and Seamen of all Ships or Vessels belonging to the Indian Navy, appointed for Convoy and Guard of Merchant Ships or Vessels, or of any other, shall diligently attend upon that charge without delay according to their instructions in that behalf, and whosoever shall be faulty therein, and shall not faithfully perform their duty and defend the Ships, Vessels and Goods in their Convoy without either diverting to other parts, or occasions, or refusing or neglecting to fight in their defence, if they be assailed, or running
away

ACT No. XII. OF 1844.

away cowardly and submitting the Ships in their Convoy to peril and hazard, or shall demand or exact any money or other reward from any Merchant or Master for convoying of any Ships or Vessels entrusted to their care, or shall misuse the Masters or Mariners thereof, shall be condemned to make reparation of the damage to the Merchants, Owners and others, as the Court of Admiralty or other competent Court shall judge ; and also be punished criminally according to the quality of their offences ; be it by pains of death, or other punishment, according as shall be adjudged fit by a Court Martial.

18. If any Captain, Commander or other Officer of any of the Ships or Vessels of the Indian Navy shall receive on board, or permit to be received on board such Ship or Vessel any Goods or Merchandizes whatsoever, other than for the sole use of the Ship or Vessel, except Gold, Silver, or Jewels, and except the Goods and Merchandizes belonging to any Merchant or other Ship or Vessel which may be Shipwrecked either on the High Seas, or in any Port, Creek or Harbour, in order to the preserving them for their proper Owners, and except such Goods or Merchandizes as he shall at any time be ordered to take or receive on board by order of any competent authority, every person so offending being convicted thereof by the sentence of a Court Martial shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the Naval Service of the East India Company.

19. If any person belonging to the Indian Navy shall make or endeavour to make any mutinous assembly upon any pretence whatsoever, or shall utter any words of sedition or mutiny, he shall suffer death, or such other punishment as a Court Martial shall deem him to deserve ; and if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall behave himself with contempt to his Superior Officer, such Superior Officer being in the execution of his office, he shall suffer such punishment according to the nature of his offence as a Court Martial shall deem him to deserve. 20. If

ACT No. XII. OF 1844.

20. If any person belonging to the Indian Navy shall conceal any traitorous or mutinous practice or design, being convicted thereof by the sentence of a Court Martial, he shall suffer death, or such other punishment as a Court Martial shall think fit : and if any person belonging to the Indian Navy shall conceal any traitorous or mutinous words spoken by any to the prejudice of Her Majesty, or any words, practice or design tending to the hindrance of the service, and shall not forthwith reveal the same to the Commanding Officer, or being present at any mutiny or sedition shall not use his utmost endeavours to suppress the same, he shall be punished as a Court Martial shall think he deserves.

21. If any person belonging to the Indian Navy shall find cause for complaint of the unwholesomeness of the victuals or upon other just ground, he shall quietly make the same known to his Superior Officer, or Captain, or Commander in Chief, as the occasion may deserve, that such present remedy may be had as the matter may require ; and the said Superior Officer, Captain or Commander in Chief shall as far as he is able cause the same to be presently remedied, and no person belonging to the Indian Navy upon any such or any other pretence shall attempt to stir up any disturbance upon pain of such punishment as a Court Martial shall think fit to inflict according to the degree of the offence.

22. If any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall strike any of his Superior Officers, or draw or offer to draw or lift up any weapon against him being in the execution of his office on any pretence whatsoever ; Or if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall presume to quarrel with any of his Superior Officers, being in the execution of his office, or shall disobey any lawful command of any of his Superior Officers, every such

ACT No. XII. OF 1844.

away cowardly and submitting the Ships in their Convoy to peril and hazard, or shall demand or exact any money or other reward from any Merchant or Master for convoying of any Ships or Vessels entrusted to their care, or shall misuse the Masters or Mariners thereof, shall be condemned to make reparation of the damage to the Merchants, Owners and others, as the Court of Admiralty or other competent Court shall judge ; and also be punished criminally according to the quality of their offences ; be it by pains of death, or other punishment, according as shall be adjudged fit by a Court Martial.

18. If any Captain, Commander or other Officer of any of the Ships or Vessels of the Indian Navy shall receive on board, or permit to be received on board such Ship or Vessel any Goods or Merchandizes whatsoever, other than for the sole use of the Ship or Vessel, except Gold, Silver, or Jewels, and except the Goods and Merchandizes belonging to any Merchant or other Ship or Vessel which may be Shipwrecked either on the High Seas, or in any Port, Creek or Harbour, in order to the preserving them for their proper Owners, and except such Goods or Merchandizes as he shall at any time be ordered to take or receive on board by order of any competent authority, every person so offending being convicted thereof by the sentence of a Court Martial shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the Naval Service of the East India Company.

19. If any person belonging to the Indian Navy shall make or endeavour to make any mutinous assembly upon any pretence whatsoever, or shall utter any words of sedition or mutiny, he shall suffer death, or such other punishment as a Court Martial shall deem him to deserve ; and if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall behave himself with contempt to his Superior Officer, such Superior Officer being in the execution of his office, he shall suffer such punishment according to the nature of his offence as a Court Martial shall deem him to deserve. 20. If

ACT No. XII. OF 1844.

20. If any person belonging to the Indian Navy shall conceal any traitorous or mutinous practice or design, being convicted thereof by the sentence of a Court Martial, he shall suffer death, or such other punishment as a Court Martial shall think fit : and if any person belonging to the Indian Navy shall conceal any traitorous or mutinous words spoken by any to the prejudice of Her Majesty, or any words, practice or design tending to the hindrance of the service, and shall not forthwith reveal the same to the Commanding Officer, or being present at any mutiny or sedition shall not use his utmost endeavours to suppress the same, he shall be punished as a Court Martial shall think he deserves.

21. If any person belonging to the Indian Navy shall find cause for complaint of the unwholesomeness of the victuals or upon other just ground, he shall quietly make the same known to his Superior Officer, or Captain, or Commander in Chief, as the occasion may deserve, that such present remedy may be had as the matter may require ; and the said Superior Officer, Captain or Commander in Chief shall as far as he is able cause the same to be presently remedied, and no person belonging to the Indian Navy upon any such or any other pretence shall attempt to stir up any disturbance upon pain of such punishment as a Court Martial shall think fit to inflict according to the degree of the offence.

22. If any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall strike any of his Superior Officers, or draw or offer to draw or lift up any weapon against him being in the execution of his office on any pretence whatsoever ; Or if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall presume to quarrel with any of his Superior Officers, being in the execution of his office, or shall disobey any lawful command of any of his Superior Officers, every such

ACT No. XII. OF 1844.

person being convicted of any such offence by the sentence of a Court Martial shall suffer death, or such other punishment as shall according to the nature and degree of his offence be inflicted upon him by the sentence of a Court Martial.

23. If any person belonging to the Indian Navy shall quarrel or fight with any other person therein, or use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, he shall upon being convicted thereof suffer such punishment as the offence shall deserve and a Court Martial shall impose.

24. There shall be no embezzlement nor wasteful expense of any Powder, Shot, Ammunition, or other Stores. But the Stores and Provisions shall be carefully preserved upon pain of such punishment as shall be by a Court Martial found just in that behalf.

25. Every person belonging to the Indian Navy who shall unlawfully burn or set fire to any Magazine, or Store of Powder, or Ship, Boat, Ketch, Hoy or Vessel, or tackle or furniture thereunto belonging, not then appertaining to an Enemy, Pirate or Rebel, being convicted of any such offence by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

26. Care shall be taken in the conducting and steering of any of the Ships or Vessels of the Indian Navy that through wilfulness, negligence or other defaults no Ship or Vessel be stranded or run upon any rocks, or sands, or split, or hazarded, upon pain that such as shall be found guilty therein be punished by death, or such other punishment as the offence by a Court Martial shall be judged to deserve.

27. No

ACT No. XII. OF 1844.

27. No person belonging to the Indian Navy shall sleep upon his watch, or negligently perform the duty imposed on him, or forsake his station upon pain of death, or such other punishment as a Court Martial shall think fit to impose and as the circumstances of the case shall require.

28. All murders committed by any person belonging to the Indian Navy shall be punished with death by the sentence of a Court Martial.

29. If any person belonging to the Indian Navy shall commit the unnatural and detestable sin of buggery or sodomy with man or beast, he shall be punished with death, or such other punishment as the offence by a Court Martial shall be judged to deserve.

30. All robbery committed by any person belonging to the Indian Navy shall be punished with death or otherwise as a Court Martial upon consideration of circumstances shall find meet.

31. Every Officer or other person belonging to the Indian Navy who shall knowingly make or sign a false muster or muster book, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other person in the making or signing thereof, shall, upon proof of any such offence being made before a Court Martial, be cashiered.

32. No person belonging to the Indian Navy being duly authorized so to do shall refuse to apprehend any criminal whom he shall be authorized by legal Warrant to apprehend, or to receive, or keep any prisoner committed to his charge, or wilfully suffer him to escape being once in his custody, or dismiss him without lawful order upon pain of such punishment as a Court Martial shall deem him to deserve; and all Captains, Officers and others belonging to the

ACT No. XII. OF 1844.

the Indian Navy shall do their endeavour to detect, apprehend and bring to punishment all offenders, and shall assist the Officers appointed for that purpose therein upon pain of being proceeded against and punished by a Court Martial according to the nature and degree of the offence.

33. If any Superior Officer, Captain, or Commander, or Lieutenant belonging to the Indian Navy shall be convicted before a Court Martial of behaving in a scandalous, infamous, cruel, oppressive, or fraudulent manner unbecoming the character of an Officer he shall be dismissed from the Indian Navy, or suffer such other punishment as a Court Martial shall deem him to deserve.

34. Every person belonging to the Indian Navy, being in actual service and full pay, who shall be guilty of Mutiny, Desertion, or Disobedience to any lawful command, in any part of the Territories under the Government of the East India Company, on shore, when in actual service relative to the Indian Navy, shall be liable to be tried by a Court Martial, and suffer the like punishment for every such offence as if the same had been committed at Sea on board any Ships or Vessels of the Indian Navy.

35. If any person belonging to the Indian Navy, who shall be in actual service and full pay, shall commit upon the shore in any place or places out of the Territories under the Government of the East India Company, any of the crimes punishable by these Articles and Orders, the person so offending shall be liable to be tried and punished for the same in like manner to all intents and purposes as if the said crimes had been committed at Sea on board any of the Ships or Vessels of the Indian Navy.

II. Provided always, that no person convicted of any offence, shall by the sentence of any Court Martial, to be held by virtue of this Act, be adjudged to be imprisoned for a longer term than the space of two years.

III.

ACT No. XII. OF 1844.

III. Provided also, that nothing in this Act contained shall extend, or be construed to extend to empower any Court Martial to be constituted by virtue of this Act to proceed to the punishment or trial of any of the offences specified in the several Articles contained in this Act, or of any offence whatsoever (other than the offences specified in the 5th, 34th and 35th of the foregoing Articles and Orders), which shall not be committed upon the Main Sea or in Great Rivers only beneath the Bridges of the said Rivers nigh to the Sea, or any Haven, River, or Creek within the jurisdiction of the Admiralty, and which shall not be committed by such persons as at the time of the offence committed shall be in actual service and full pay in the Indian Navy, such persons only excepted, and for such offences only as are described in the 5th of the foregoing Articles and Orders.

IV. Provided also, that nothing in this Act contained shall extend or be construed to extend to empower any Court Martial to be constituted by virtue of this Act, to proceed to the punishment or trial of any Land Officer, or Soldier, on board any Transport Ship, for any of the offences specified in the several Articles contained in this Act.

V. And it is hereby further enacted, that the Governor General of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority to grant Commissions to any Officer Commanding in Chief, any Fleet or Squadron of Ships or Vessels of War, to call and assemble Courts Martial, consisting of Captains, Commanders and Lieutenants; and that in case any Officer Commanding in Chief any Fleet or Squadron of Ships or Vessels of War, (who shall be authorized by the Governor General or Governor in Council for the time being, to call and assemble Courts Martial in Foreign parts,) shall happen to die, or be recalled or removed from his command, then the Officer upon whom the command of the said Fleet or

ACT No. XII. OF 1844.

Squadron shall devolve, not under the rank of Commander, and so from time to time the Officer not under the rank of Commander, who shall have the command of the said Fleet or Squadron, shall have the same power to call and assemble Courts Martial as the first Commander in Chief of the said Fleet or Squadron was invested with.

VI. Provided always, and it is hereby enacted, that no Commander in Chief of any Fleet or Squadron of the Indian Navy or Detachment thereof, consisting of more than five Ships or Vessels, shall preside at any Court Martial, but that the Officer next in Command to such Officer Commanding in Chief shall hold such Court Martial and preside thereat, any Law, Custom or Usage to the contrary notwithstanding.

VII. And it is hereby further enacted, that if any three or more of the Ships or Vessels of the Indian Navy shall happen to meet together in Foreign parts, then and in such case it shall be lawful for the Senior Officer of the said Ships or Vessels, not under the rank of Commander, to hold Courts Martial and preside thereat from time to time as there shall be occasion during so long time as the said Ships or Vessels of the Indian Navy, or any three or more of them shall continue together.

VIII. Provided nevertheless and it is also enacted, that where any material objection occurs which may render it improper for the person who is next in Command to the Senior Officer or Commander in Chief of any Fleet or Squadron of the Ships of the Indian Navy in Foreign parts, to hold Courts Martial or preside thereat, in such case it shall be lawful for the said Governor General or Governor in Council, as also the Commander in Chief of any such Squadron of the Ships or Vessels of the Indian Navy in Foreign parts respectively, to appoint the third Officer in Command to preside at or hold such Court Martial.

IX. And

ACT No. XII. OF 1844.

IX. And it is hereby further enacted, that no Court Martial to be held or appointed by virtue of this present Act, shall consist of more than thirteen or less than five persons, to be composed of such Superior Officers, Captains, Commanders or Lieutenants, then and there present as are next in seniority to the Officer who presides at the Court Martial, such Lieutenants not to exceed two-fifths of the whole Court. Provided always, and it is hereby enacted, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Governor General, or Governor in Council, (as the case may be) or any Officer empowered to order or hold Courts Martial to direct or ascertain the particular number of persons of which any Court Martial to be held or appointed by virtue of this Act shall consist.

X. And it is hereby further enacted, that upon all trials of offenders by any Court Martial all the Officers present, who are to constitute the said Court Martial, shall before they proceed to such trial take such oath as is hereinafter mentioned upon the Holy Evangelists before the Court, which oath the Judge Advocate or his Deputy, or the person appointed to officiate as such, is hereby authorized and required to administer in the words following (that is to say)

I, A B, do swear that I will administer justice according to the Articles and Orders established by an Act passed for the better securing the Observance of an exact Discipline in the Indian Navy, without partiality, favor or affection, and if any case shall arise, which is not particularly mentioned in the said Articles and Orders, I will duly administer justice according to my conscience and the best of my understanding. And I do further swear that I will not upon any account at any time whatsoever disclose or discover the vote or opinion of any particular Member of this Court Martial unless thereunto required by an Act of the Governor General of India in Council.

So help me God.

And so soon as the said oath shall have been administered to the respective Members, the President of the Court is hereby authorized and required to

ACT No. XII. OF 1844.

to administer to the Judge Advocate, or the person officiating as such, an Oath in the following words:

I, A B, do swear that I will not upon any account at any time whatsoever, disclose or discover the vote or opinion of any particular Member of this Court Martial unless thereunto required by an Act of the Governor General of India in Council.

So help me God.

XI. And it is hereby further enacted, that in case any person in the Indian Navy being called upon to give evidence at any Court Martial shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the Court, it shall and may be lawful for such Court Martial to punish every such offender by imprisonment at the discretion of the Court; such imprisonment not to continue longer than three months in case of such refusal or prevarication, nor longer than one month in the case of such contempt, and that all and every person and persons who shall commit any wilful perjury in any evidence or examination upon oath at any such Court Martial, or who shall corruptly procure or suborn any person to commit such wilful perjury shall and may be prosecuted in Her Majesty's Courts by Indictment or Information, and every issue joined in any such Indictment or Information shall be tried according to the Laws in force in such cases.

XII. And it is further enacted, that in every Information or Indictment to be prosecuted by virtue of this Act for any such offence, it shall be sufficient to set forth the offence charged upon the defendant without setting forth the Commission or Authority for holding the Court Martial, and without setting forth the particular matter tried or to be tried, or directed or intended to be tried before such Court.

XIII. And it is hereby further enacted, that no sentence of death given by any Court Martial shall be put in execution till after the Report of the proceedings

ACT No. XII. OF 1844.

proceedings of the said Court shall have been made to the said Governor General in Council and his directions shall have been given therein.

XIV. And it is further enacted, that the Judge Advocate for the time being, or his Deputy, shall have full power and authority, and is hereby required to administer an oath to any witness at any trial by Court Martial, and in the absence of the Judge Advocate and his Deputy the Court Martial shall have full power and authority to appoint any person to execute the office of Judge Advocate.

XV. And it is further enacted, that all the powers given by the several Articles and Orders established by this Act shall remain and be in full force with respect to the Crews of such of the Ships or Vessels of the Indian Navy as shall be wrecked, or be otherwise lost or destroyed, and all the command, power and authority of the Officers of the said Ships or Vessels shall remain and be in full force as effectually as if such Ships or Vessels to which they did belong were not so wrecked, lost or destroyed until they shall be regularly discharged from the East India Company's further Service, or remove into some other of the Ships or Vessels of the Indian Navy, or until a Court Martial shall be held to enquire into the causes of the loss of the said Ships or Vessels; and if upon such enquiry it shall appear by the sentence of the Court Martial that all or any of the Officers or Seamen of the said Ships or Vessels did their utmost to preserve, get off or recover the same, and since the loss thereof have behaved themselves obediently to their Superior Officers according to the Discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, then all the pay and wages of the said Officers and Seamen, or of such of them as shall have done their duty as aforesaid, shall continue and go on and be paid to the time of their discharge or death, or if they shall be then alive to the time of the holding of such Court Martial, or removal into some other of the Ships or Vessels of the Indian Navy, and every such Officer and Seamen of the Ships or Vessels of the Indian Navy who after

ACT No. XII. OF 1844.

the wreck or loss of his Ship or Vessel shall act contrary to the Discipline of the Indian Navy, and the several Articles and Orders hereinbefore established, or any of them, shall be sentenced by the said Court Martial and punished as if the Ship or Vessel to which he did belong was not so wrecked, lost or destroyed.

XVI. And it is further enacted, that all the pay and wages of such Officers and Seamen of any of the Ships or Vessels of the Indian Navy as are taken by the Enemy, who upon enquiry at a Court Martial shall appear by the sentence of the said Court to have done the utmost to defend the said Ships or Vessels, and since the taking thereof have behaved themselves obediently to their Superior Officers according to the Discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, shall continue and go on and be paid from the time of their being so taken to the time of the holding of such Court Martial, or until they shall be regularly discharged from the East India Company's Service, or removed into some other of the Ships or Vessels of the Indian Navy, or if they shall die in captivity or not live to the time of the holding of such Court Martial to the time of their death in such manner and not otherwise, as if the said Ships or Vessels to which they did belong respectively were not so taken.

XVII. Provided always, and it is further enacted, that no person or persons not flying from justice shall be tried or punished by any Court Martial for any offence to be committed against this Act, unless the complaint of such offence be made in writing to the Governor General in Council or Governor in Council, or some Officer empowered to order a Court Martial, or unless a Court Martial to try such offender shall be ordered by the said Governor General or Governor in Council, or such Officer either within three years after such offence shall be committed, or within one year after the return of the Ship or Vessel or of the Squadron to which such offender shall belong into any of the Ports in the East Indies, or within one year after the return of such offender into the East Indies.

XVIII. Provided

ACT No. XII. OF 1844.

XVIII. Provided always, that nothing in this Act contained shall extend or be construed to extend to take away from the Lord High Admiral of Great Britain, or the Commissioners for executing the office of the Lord High Admiral of Great Britain, or any Vice Admiral, or any Judge or Judges of the Admiralty, or his or their Deputy or Deputies, or any other Officers or Ministers of the Admiralty, or any others having or claiming any Admiralty power, jurisdiction or authority within any of the Queen's Dominions, or from any person or Court whatsoever, any power, right, jurisdiction, pre-eminence or authority which he or they, or any of them lawfully hath, have or had, or ought to have or enjoy before the making of this Act, so as the same person shall not be punished twice for the same offence.

XIX. And it is further enacted, that the proceedings of any Court Martial shall not be delayed by the absence of any of its Members, provided a sufficient number doth remain to compose such Court, which shall and is hereby required to sit from day to day, (Sundays always excepted,) until the sentence be given, any thing hereinbefore contained to the contrary thereof in anywise notwithstanding; and no Member of the said Court Martial shall absent himself from the said Court during the whole course of the trial upon pain of being cashiered from the East India Company's Service, except in case of sickness, other extraordinary and indispensable occasion to be judged of by the said Court.

ACT No. XIII. OF 1844.

*Passed by the Governor General of India in Council
on the 15th June, 1844.*

*An Act for making Trisoollee Pyce no longer a legal tender within the
Province of Benares, and for their withdrawal from circulation.*

IT is hereby enacted, that from and after the First day of August 1844, the Trisoollee Pyce struck for the Province of Benares, under the Provisions of Regulations X. of 1809 and VII. of 1814, and at the Saugor Mint, shall cease to be a legal tender within the Province of Benares.

II. And it is hereby enacted, that until the said First day of August 1844, such Trisoollee Pyce shall be received on account of the Government and shall be exchanged by tale (that is to say, every Trisoollee Pyce paid in shall be received as one Company's Pyce, and one Company's Pyce shall be given for every Trisoollee Pyce presented for exchange) at such Treasuries or other places within the Province of Benares as shall be pointed out for that purpose in any Proclamation of the Lieutenant Governor of the North Western Provinces.

III. And

ACT No. XIII. OF 1844.

III. And it is hereby enacted, that immediately after the passing of this Act, the said Lieutenant Governor shall issue a Proclamation pointing out the Treasuries or other Places within the Province of Benares at which such Trisoollee Pyce shall be so received and exchanged as aforesaid, and notifying any Regulations respecting such receipt or exchange as the said Lieutenant Governor may deem it expedient to establish for the carrying into effect of the same, for the prevention of fraud therein, and especially for the rejection of such Trisoollee Pyce as may appear to the Officer appointed to receive or exchange the same under this Act, to be undoubtedly spurious.

IV. And it is hereby enacted, that it shall be lawful for the said Lieutenant Governor, if he shall see fit, to order that in any case one Company's Rupee shall be given for every 64 Trisoollee Pyce so presented for exchange, and that in every such case one Company's Rupee shall be given for every 64 Trisoollee Pyce accordingly.

ACT No. XIV. OF 1844.

*Passed by the Governor General of India in Council
on the 6th July, 1844.*

*An Act for regulating the Proceedings of the Sudder Courts at Fort William,
Fort St. George, Bombay and at Agra, in regard to Sentences of transportation for life.*

I. **I**T is hereby enacted, that within the Territories subject to the Government of the East India Company, whenever any of the Sudder Courts shall sentence any offender to imprisonment for life, it shall at the same time sentence such offender to transportation beyond Sea for life, unless there should be special reasons inducing the Court to think such prisoner not a proper subject for transportation which special reasons the Court is hereby directed to record.

II. And it is hereby enacted, that within the said Territories whenever any offender shall have been sentenced in the first instance by a Commissioner of Circuit or Sessions Judge to imprisonment for life, or whenever a Commissioner of Circuit or Sessions Judge shall have recommended that sentence of imprisonment for life be passed upon any offender, it shall be competent

ACT No. XIV. OF 1844

competent to a single Judge of the Sudder Court to sentence such offender, at the same time to transportation beyond Sea for life, and such single Judge is hereby directed to sentence such offender at the same time to transportation beyond Sea for life unless there should be special reasons inducing him to think such offender not a proper subject for transportation which special reasons he is hereby further directed to record.

1844/45
vil aud
Indro 1676

ACT No. XV. OF 1844.

*Passed by the Governor General of India in Council on the
6th July 1844.*

*An Act for amending the Schedules of Import Duties, annexed to Act XIV.
of 1836, to Act I. of 1838, and to Act VI. of 1844.*

WHEREAS by Article 17 of Schedule A annexed to Act No. XIV. of 1836, by Article 18 of Schedule A annexed to Act No. I. of 1838, and by Article XIX. of Schedule A annexed to Act No. VI. of 1844, certain rates of Duty are to be charged on the importation into the Ports of Bengal and Orissa, and the Ports subject to the Presidencies of Bombay and Madras, of Cotton and Silk Piece Goods, the produce of any place other than the United Kingdom or any British Possession. And whereas it is expedient that the same rates of Duties should be charged on other Foreign Goods of a like description—

It is hereby enacted, that from and after the First day of January 1845, the rates of Duty prescribed for the said Articles by the said Schedules, shall be charged on the importation into the Ports of Bengal and Orissa, and the Ports subject to the Presidencies of Madras and Bombay, of all manufactures of Silk or Cotton, and of Silk and Cotton mixed with any other material, which are the produce of any place other than the United Kingdom or any British Possession; and of all foreign made up Articles of the said manufactures, or of which any part of the materials is of the said manufactures.

1844/45

Civil and

Ind. 1677

ACT No. XVI. OF 1844.

*Passed by the Governor General of India in Council on the
27th July, 1844.*

*An Act for increasing the Excise and Import Duties heretofore payable to the
Government on Salt manufactured within or imported into the Territories
subject to the Government of the Presidency of Bombay.*

WHEREAS by Act VI. of 1844 all Inland, Transit and Town Duties levied on behalf of the Government of the East India Company, within the limits of the Territories subordinate to the Presidency of Fort St. George were abolished, and the impost on Salt manufactured and sold within the said territories was raised to a rate more in accordance with the Tax on the same article borne by other Divisions of the British Possessions: and whereas, although enquiries which have been instituted as to the origin and extent of certain Town duties and local cesses within the Presidency of Bombay with a view to their abolition have not yet been completed, it is nevertheless expedient in order to equalize the average prices of Salt within the Presidencies of Fort St. George and Bombay to increase as well the Customs duty on imported Salt as the Excise duty heretofore and at present payable on Salt that may be delivered from any Salt Work within the territories subject to the Government of the Presidency of Bombay :

I. It

ACT No. XVI. OF 1844.

I. It is hereby enacted, that from the First day of September 1844, Sect. I of Act XXVII. of 1837, shall be repealed.

II. And it is hereby enacted, that from the First day of September 1844, there shall be paid to the Government on every Maund of 3,200 Tolas weight of Salt that may be delivered from any Salt Work within the Territories subject to the Government of the Presidency of Bombay a duty of One Company's Rupee.

III. And it is hereby enacted, that Sec. XLIII. Act. I. of 1838 shall be repealed.

IV. And it is hereby enacted, that on application by the Exporter from any Port of the Presidency of Bombay of any Salt that has paid the Excise duty fixed by Sec. II, of this Act, a Certificate shall be granted by the Collector of Customs at the place of Export, under authority of which Certificate the quantity of Salt specified therein shall be landed at any other Port of the said Presidency of Bombay, and shall be passed from such Port into the interior under cover of the passes applicable to the free passage of Salt without the levy of any further duty either of Excise or Customs.

V. And it is hereby enacted, that so much of Schedule A appended to Act I. of 1838 as provides that on Salt imported by Sea into any Port of the Presidency of Bombay and not covered by a Pass, there shall be levied a duty of Eight Annas per maund of 80 tolas per seer, and so much of Schedule B appended to Act I. of 1838 as provides that Salt having paid the Excise duty of Eight Annas a maund shall be permitted to be Exported free of duty from any Port or place in the Presidency of Bombay, shall be repealed.

VI. And

ACT No. XVI. OF 1844.

VI. And it is hereby enacted, that on Salt imported by Sea into any Port of the Presidency of Bombay, and not covered by a Pass, there shall be levied a duty of One Company's Rupee per maund of 3,200 tolas weight, and that Salt having paid the Excise duty of One Company's Rupee per maund shall be permitted to be exported free from further duty from any Port of the Presidency of Bombay.

1844/45
Civil and
Indra 1678

ACT No. XVII. OF 1844.

*Passed by the Governor General of India in Council on the
10th August, 1844.*

*An Act for the Administration of Justice and Collection of the Revenue in the
Territory which formed the State of Colaba, and which has lapsed to the
British Government.*

I. **I**T is hereby enacted, that from and after the First day of October 1844 the Administration of Civil and Criminal Justice, the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within that portion of the lapsed Territory of Colaba, which is bounded on the East by the Nagotna River, and the Talookas of Sunkse and Rujpooree, on the South by the Rewodunda River, on the West by the Sea, including the Islands of Colaba, Oonderee and Khanderee, (Henery and Kenery) and on the North by the Harbour of Bombay, shall vest in such Agent to the Governor of the Presidency of Bombay as shall be appointed by the Governor in Council, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay, by an Order in Council, to prescribe such Rules as he
may

ACT No. XVII. OF 1844.

may deem proper for the guidance of the Agent aforesaid, and of all the Officers subordinate to his control and authority, and to determine to what extent the decision of the Agent in Civil Suits shall be final, and in what Suits an Appeal shall lie to the Sudder Udalut, and to define the authority to be exercised by the Agent in Criminal Trials, and what cases he shall submit to the decision of the Foujdaree Udalut.

III. And it is hereby enacted, that upon the receipt of any Criminal Trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor in Council, the Foujdaree Udalut shall proceed to pass a final judgment or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner, as if the trial had been sent up in ordinary course from a Sessions Judge.

IV. And it is hereby enacted, that upon the receipt of any Appeal from a decree of the Agent duly preferred under the Rules to be prescribed as aforesaid, the Court of Sudder Udalut shall proceed to try and determine it in the same manner as Appeals from the Zillah Courts.

V. And it is hereby enacted, that each of the portions of the lapsed Territory of Colaba not included within the boundaries specified in Section I. of this Act, shall be subject to the same Laws and Regulations, and shall be governed in all respects in the same manner as the portions of the Territories subject to the Government of Bombay, by which such portions of the said lapsed Territory may be respectively surrounded, or to which such portions of the said lapsed Territory may be respectively contiguous.

Civil and S. Ind. No 1917 of 1844/45

ACT No. XVIII. OF 1844.

*Passed by the Governor General of India in Council on the
7th September, 1844.*

*An Act for the better control and management of Jails within the Bengal
Presidency.*

I. **I**T is hereby enacted, that so much of the provisions of any Regulation of the Bengal Code, or of any Act of the Government of India, as vests the Judges of Circuit, the Commissioners of Circuit, the Superintendents of Police and the Sudder Nizamut Adawlut, with control and superintendence over the several Jails of the Presidency of Fort William in Bengal, the Prisoners confined in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, is repealed.

II. And it is hereby enacted, that the whole of the said control and superintendence shall be vested in the Magistrates and Joint Magistrates, acting under the instructions of the Zillah and City Judges, and that the Magistrates, Joint Magistrates and Zillah and City Judges, shall be guided in regard to all matters relating to the Jails under their charge, the Prisoners confined in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, by such orders as they may receive from their respective Local Governments.

Civil and S. No 4918 of 1844/15

ACT No. XIX. OF 1844.

*Passed by the Governor General of India in Council
on the 14th September, 1844.*

*An Act for abolishing Town Duties and Mookauts, and all Taxes upon Trades
and Professions within the Presidency of Bombay. —*

IT is hereby enacted, that from the 1st day of October 1844, all Town Duties, Kusub Veeras, Mohturfas, Ballootee Taxes and Cesses of every kind on Trades or Professions under whatsoever name levied within the Presidency of Bombay, and not forming a part of the Land Revenue, shall be abolished.

ACT No. XX. OF 1844.

*Passed by the Right Hon'ble the Governor General of
India in Council on the 26th October, 1844.*

*An Act to amend the Law relating to Advances bona fide made to
Agents intrusted with Goods by extending to the Territories of
the East India Company in cases governed by English Law,
the Provisions of the Statute 5 and 6 Victoria C. 39, as alter-
ed by this Act.*

WHEREAS by Act XIII. of 1840 the Provisions of the Statute 4, Geo. IV. C. 23, as altered and amended by the Statute 6, Geo. IV. C. 94, were extended to the Territories of the East India Company, in cases governed by English Law ; and whereas by the Statute 5 and 6, Victoria C. 39, the said Statute 6, Geo. IV. C. 94, is altered and amended, and the Provisions thereof are extended :

It is hereby enacted, that the Statute 5 and 6, Victoria C. 39, as altered by this Act, shall from and after the passing of this Act, be extended to the Territories of the East India Com-
pany ;

ACT No. XX. OF 1844.

pany; provided always, that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the last mentioned Statute, if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statute hereby extended to the Territories of the East India Company and as altered by this Act, is as follows :

5 AND 6 VICT. CAP. XXXIX. as altered by this Act.

An Act to amend the Law relating to Advances bona fide made to Agents intrusted with Goods.

6 G. 4, C. 91.

Whereas by an Act passed in the 6th year of the Reign of His late Majesty King George the Fourth, intituled an Act to alter and amend an Act for the better protection of the property of Merchants and others who may hereafter enter into contracts or agreements in relation to Goods, Wares and Merchandize intrusted to Factors or Agents, validity is given, under certain circumstances, to contracts or agreements made with persons intrusted with, and in possession of the Documents of Title to Goods and Merchandize, and Consignees, making Advances to persons abroad who are intrusted with any Goods and Merchandize, are entitled, under certain circumstances, to a lien thereon, but under the said Act, and the present state of the Law, Advances cannot safely be made upon Goods or Documents to persons known to have possession thereof as

Agents

ACT No. XX. OF 1844.

Agents only : And whereas by the said Act it is amongst other things further enacted, “ that it shall be lawful to and for any person to contract with any Agent intrusted with any Goods, or to whom the same may be consigned for the purchase of any such Goods, and to receive the same of and to pay for the same to such Agent, and such contract and payment shall be binding upon and good against the Owner of such Goods, notwithstanding such person shall have notice that the person making such contract, or on whose behalf such contract is made, is an Agent; provided such contract or payment be made in the usual and ordinary course of business, and that such person shall not when such contract is entered into or payment made, have notice that such Agent is not authorized to sell the same, or to receive the said Purchase Money;” And whereas Advances on the Security of Goods and Merchandize have become an usual and ordinary course of business, and it is expedient and necessary that reasonable and safe facilities should be afforded thereto, and that the same protection and validity should be extended to bona fide Advances upon Goods and Merchandize as by the said recited Act is given to Sales, and that Owners intrusting Agents with the possession of Goods and Merchandize, or of Documents of Title thereto, should in all cases where such Owners by the said recited Act or otherwise would be bound by a contract or agreement of Sale be in like manner bound by any contract or agreement of pledge or lien for any Advances bona fide made on the Security thereof. And whereas much litigation has arisen on the construction of the said recited Act, and the same does not extend to protect Exchanges

ACT No. XX. OF 1844.

Exchanges of Securities bona fide made, and so much uncertainty exists in respect thereof, that it is expedient to alter and amend the same and to extend the Provisions thereof and to put the Law on a clear and certain basis. Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this

Bona fide Advances to Persons intrusted with the possession of Goods or Documents of Title though known to be Agents, protected.

Act any Agent who shall thereafter be intrusted with the possession of Goods, or of the Documents of Title to Goods shall be deemed and taken to be Owner of such Goods and Documents so far as to give validity to any contract or agreement by way of pledge, lien, or security bona fide made by any person with such Agent so intrusted as aforesaid as well for any original Loan, Advance or Payment made upon the Security of such Goods or Documents, as also for any further or continuing Advance in respect thereof, and such contract or agreement shall be binding upon and good against the Owner of such Goods, and all other persons interested therein notwithstanding the person claiming such pledge or lien may have had notice that the person with whom such contract or agreement is made is only an Agent.

Bona fide Deposits in exchange protected ;

II. And be it enacted, that where any such contract or agreement for pledge, lien or security shall be made in consideration of the delivery or transfer to such Agent of any other Goods or Merchandize, or Document of Title or Negotiable Security upon which the person so delivering up the same had

at

ACT No. XX. OF 1844.

at the time a valid and available Lien and Security for or in respect of a previous Advance by virtue of some contract or agreement made with such Agent, such contract and agreement, if bona fide on the part of the person with whom the same may be made, shall be deemed to be a contract made in consideration of an Advance within the true intent and meaning of this Act, and shall be as valid and effectual to all intents and purposes, and to the same extent, as if the consideration for the same had been a bona fide present Advance of money. Provided always that the Lien acquired under such last mentioned contract or agreement upon the Goods or Documents deposited in exchange shall not exceed the value at the time of the Goods and Merchandize which, or the Documents of Title to which, or the Negotiable Security which shall be delivered up and exchanged.

but no Lien beyond the value of the Goods given up.

III. Provided always, and be it enacted, that this Act and every matter and thing herein contained, shall be deemed and construed to give validity to such contracts and agreements only, and to protect only such Loans, Advances, and Exchanges, as shall be made bonâ fide and without notice that the Agent making such contracts or agreements as aforesaid has not authority to make the same, or is acting malâ fide in respect thereof against the Owner of such Goods and Merchandize ; and nothing herein contained shall be construed to extend to or protect any Lien or Pledge for or in respect of any antecedent debt, owing from any Agent to any person with or to whom such Lien or Pledge shall be given, nor to authorize any Agent intrusted as aforesaid in deviating from any express orders or authority

But the Statute to be construed to protect only Transactions bonâ fide without notice that the Agent pledging is acting without authority or malâ fide against the Owner.

ACT No. XX. OF 1844.

authority received from the Owner ; but that, for the purpose and to the intent of protecting all such bonâ fide Loans, Advances and Exchanges as aforesaid (though made with notice of such Agent not being the Owner but without any notice of the Agents acting without authority) and to no further, or other intent or purpose, such contract or agreement as aforesaid shall be binding on the Owner and all other persons interested in such Goods.

Meaning of the term "Document of Title."

IV. And be it enacted, that any Bill of Lading, India Warrant, Dock Warrant, Warehouse-keeper's Certificate, Warrant, or order for the delivery of Goods, or any other Document used in the ordinary course of business as proof of the possession or control of Goods, or authorising or purporting to authorize, either by indorsement or by delivery, the Possessor of such Document to transfer or receive Goods thereby represented shall be deemed and taken to be a document of Title

And when Agent intrusted,

within the meaning of this Act ; and any Agent intrusted as aforesaid and possessed of any such Document of Title, whether derived immediately from the Owner of such Goods, or obtained by reason of such Agents having been intrusted with the possession of the Goods, or of any other Document of Title thereto, shall be deemed and taken to have been intrusted with the possession of the Goods represented by such Document of Title as aforesaid, and all contracts, pledging or giving a lien upon such Document of Title as aforesaid shall be deemed and taken to be respectively Pledges of and Liens upon the Goods

And when in possession,

to which the same relates, and such Agent shall be deemed to be possessed of such Goods or Documents, whether the same shall

ACT No. XX. OF 1844.

shall be in his actual custody, or shall be held by any other person subject to his control, or for him or on his behalf, and where any Loan or Advance shall be bona fide made to any Agent intrusted with and in possession of any such Goods or Documents of Title as aforesaid on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such Goods or Documents of Title as aforesaid; and such Goods or Documents of Title shall actually be received by the person making such Loan or Advance, without notice that such Agent was not authorized to make such Pledge or Security every such Loan or Advance shall be deemed and taken to be a Loan or Advance on the Security of such Goods or Documents of Title within the meaning of this Act, though such Goods or Documents of Title shall not actually be received by the person making such Loan or Advance till the period subsequent thereto, and any contract or agreement, whether made direct with such Agent as aforesaid, or with any Clerk or other person on his behalf, shall be deemed a contract or agreement with such Agent; and any payment made, whether by Money or Bills of Exchange, or other Negotiable Security shall be deemed and taken to be an Advance within the meaning of this Act; and an Agent in possession as aforesaid of such Goods or Documents shall be taken for the purposes of this Act, to have been intrusted therewith by the Owner thereof unless the contrary can be shewn in evidence,

What to be deemed a "Contract or Agreement" and "Advance."

Possession prima facie Evidence of intrusting.

V. Provided always, and be it enacted, that nothing herein contained shall lessen, vary, alter or affect the Civil responsibility of an Agent for any breach of duty or contract,

Agent's Civil responsibility not to be diminished.

or

ACT No. XX. OF 1844.

or non-fulfilment of his orders or authority in respect of any such Contract, Agreement, Lien, or Pledge as aforesaid.

Agent making
Consignments con-
trary to instruction
of principal guilty of
misdemeanor.

VI. Provided always, and be it enacted, that if any Agent intrusted as aforesaid shall, contrary to or without the authority of his principal in that behalf, for his own benefit and in violation of good faith, make any consignment, deposit, transfer, or delivery of any Goods or Documents of Title so intrusted to him as aforesaid, as and by way of a Pledge, Lien, or Security; or shall, contrary to or without such authority, for his own benefit and in violation of good faith, accept any Advance on the faith of any contract or agreement to consign, deposit, transfer, or deliver such Goods or Documents of Title as aforesaid; every such Agent shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be sentenced to transportation for any term not exceeding fourteen years, nor less than seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; and every Clerk or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer, or delivery, or in accepting or procuring such Advance as aforesaid, shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court shall award, as herein before last mentioned: Provided nevertheless, that no such Agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such Goods or Documents of Title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than

ACT No. XX. OF 1844.

than the amount which at the time of such consignment, deposit, transfer or delivery was justly due and owing to such Agent from his principal, together with the amount of any Bills of Exchange drawn by or on account of such principal, and accepted by such Agent. Provided also, that the conviction of any such Agent so convicted as aforesaid shall not be received in evidence in any action at Law or Suit in Equity against him, and no Agent intrusted as aforesaid shall be liable to be convicted by any evidence whatsoever in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence have disclosed such act, on oath, in consequence of any compulsory process of any Court of Law or Equity in any action, suit, or proceeding which shall have been bona fide instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any Commissioner of Bankrupt or of any Insolvent Court.

VII. Provided also, and be it enacted, that nothing herein contained shall prevent such Owner as aforesaid from ^{Right of Owner to} redeem ;
having the right to redeem such Goods or Documents of Title, pledged as aforesaid, at any time before such Goods shall have been sold, upon re-payment of the amount of the lien thereon, or restoration of the securities in respect of which such lien may exist, and upon payment or satisfaction to such Agent, if by him required, of any sum of money for or in respect of which such Agent would by law be entitled to retain the same Goods or Documents, or any of them, by way of lien as against such Owner, or to prevent the said Owner from re-
covering ^{Or to recover} balance of proceeds.

ACT No. XX. OF 1844.

covering of and from such person with whom any such Goods or Documents may have been pledged, or who shall have any such lien thereon as aforesaid, any balance or sum of money remaining in his hands as the produce of the sale of such Goods after deducting the amount of the lien of such person under such contract or agreement as aforesaid: Provided always that in case of the Bankruptcy or Insolvency of any such Agent, the Owner of the Goods which shall have been so redeemed by such Owner as aforesaid, shall in respect of the sum paid by him on account of such Agent for such redemption, be held to have paid such sum for the use of such Agent before his Bankruptcy or Insolvency, or in case the Goods shall not be so redeemed, the Owner shall be deemed a creditor of such Agent for the value of the Goods so pledged at the time of the pledge, and shall, if he shall think fit, be entitled in either of such cases to prove for or set off the sum so paid, or the value of such Goods, as the case may be.

In case of Bankruptcy Owner to prove for amount paid to redeem, or for value of Goods, if unredeemed.

Interpretation of Act.

VIII. And be it enacted, that in construing this Act the word "Person" shall be taken to designate a Body Corporate or Company as well as an Individual, and that words in the singular number shall, when necessary to give effect to the intention of the said Act, import also the plural, and vice versâ; and words used in the masculine gender shall, when required, be taken to apply to a female as well as a male.

IX. Provided

ACT No. XX. OF 1844.

IX. Provided also, and be it enacted, that nothing herein contained shall be construed to give validity to or in any wise to affect any contract, agreement, lien, pledge, or other act, matter, or thing made or done before the passing of this Act.

Not to affect any Contract made before the passing of this Act.

1844/45
Civil Auditor India 2844.

ACT No. XXI. OF 1844.

*Passed by the Right Hon'ble the Governor General of India in
Council on the 16th November, 1844.*

An Act for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to Jamaica, British Guiana and Trinidad.

I. **I**T is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby so far as the same are applicable to the Emigration of Natives from the Ports of Calcutta, Madras and Bombay respectively, to Jamaica, British Guiana, and Trinidad, respectively, are repealed. Provided always that the aforesaid Act No. XIV. of 1839 shall remain in full force in all the Ports of India, except the Ports aforesaid, and in regard to Emigrants from India proceeding to other places than Jamaica, British Guiana, Trinidad and Mauritius.

II. And it is hereby enacted, that after the passing of this Act, Emigrant Laborers, being Native inhabitants of the Territories under the Government of the East India Company, shall be allowed to pass and to be conveyed to Jamaica, British Guiana, and Trinidad respectively, from the Ports of Calcutta, Madras and Bombay respectively, but not otherwise.

III. And

ACT No. XXI. OF 1844.

III. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the Port is situated, to authorize such persons as may be nominated by the Governments of Jamaica, British Guiana or Trinidad, to act as Emigration Agents at the aforesaid Ports respectively, and to exercise the powers conferred on Emigration Agents by this Act, and every such Emigration Agent shall make Monthly Reports to the Government to which he is subordinate of all matters transacted by him in pursuance of this Act.

IV. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the Port is situated to nominate a proper person to act as Protector of Emigrants at the aforesaid Ports respectively.

V. And it is hereby enacted, that it shall not be lawful to convey any Emigrant, being a Native of India, who may embark for the purpose of laboring for hire in any of the Colonies of Jamaica, British Guiana or Trinidad from any of the Ports aforesaid in any Ship or Vessel unless a licence be obtained for carrying Emigrants in such Ship or Vessel from the Government of the Presidency in which the Port is situated. A fee not exceeding One Rupee per Emigrant as may be regulated from time to time by the local Government, shall be demandable in respect of every such licence, which fee shall be carried to the credit of the said Government, and the granting or withholding any such licence shall be entirely discretionary with the Government, and in consideration of such licence the Master of every Ship conveying or destined to convey Emigrants from India shall execute a Bond binding himself and his Owners in a penal sum of 10,000 Rupees to conform to the several conditions herein provided, and the said Bond shall be executed in duplicate that it may be put in suit either at the place of execution

ACT No. XXI. OF 1844.

execution or in the Colony to which the Emigrants are to be conveyed, and one copy shall be forwarded to the Government of such Colony to be dealt with as the case may require. And every Ship or Vessel in which any such Emigrant shall be conveyed without a licence being obtained as aforesaid shall be liable to be forfeited, and the Master thereof shall be liable as for a misdemeanor in a fine of 1,000 Rupees for every such Emigrant so illegally conveyed.

VI. And it is hereby enacted, that it shall not be lawful for the Master of any Vessel licensed as above to receive on board any Emigrant laborer, as above provided, unless such laborer shall have in his possession and show a Certificate or Pass to be given to him by the Emigration Agent of the Port, countersigned by the Protector, stating his name and the name of his father and his age, and certifying that having appeared before such Agent he has declared his willingness to proceed to work for hire in the Colony to which such Vessel is bound and has been engaged by him as an Emigrant to such Colony on the part of the Government thereof.

VII. And it is hereby enacted, that before any Ship or Vessel so licensed to carry Emigrant laborers as above provided, shall be cleared out from any of the aforesaid Ports for any one of the three Colonies aforesaid, it shall be necessary for the Master of such Ship or Vessel, provided any Emigrant of the description aforesaid, shall embark therein to obtain from the Emigration Agent so nominated and authorized at such Port as aforesaid, a certificate under the hand of such Agent to the effect following, that is to say—

1st. That such Agent has by personal communication done what is required on the part of such Agent by the 3d Article of the Schedule here-
unto

ACT No. XXI. OF 1844.

unto annexed, provided always that every such Agent shall make the inquiries specified in such Schedule in an open Court or public office to which all persons shall have admission.

2dly. That all the directions contained in the 4th, 5th, 6th and 7th Articles of the said Schedule for ensuring the health and safety of Passengers have been duly complied with.

3dly. That (in addition to the directions contained in the said Schedule) such rules have been complied with as the Governor General in Council shall from time to time frame touching the medical attendance and medical stores and the proper clothing to be provided, the species of provisions suited to native habits, the number of women that should accompany the Emigrants, or other matters.

VIII. And it is hereby enacted, that the probable lengths of the voyages to Jamaica, British Guiana and Trinidad from the Ports aforesaid respectively shall for the purposes of this Act be deemed to be

For the Port of Calcutta twenty weeks;

For the Port of Madras nineteen weeks;

For the Port of Bombay nineteen weeks;

and that no Ship or Vessel carrying Emigrant laborers to Jamaica, British Guiana or Trinidad shall sail from Calcutta, Madras or Bombay, at any other time than between the 30th day of any September and the 1st of March next thereafter ensuing.

IX. And it is hereby enacted, that before any Ship or Vessel shall
be

ACT No. XXI. OF 1844.

be cleared out from any of the aforesaid Ports for Jamaica, British Guiana or Trinidad, it shall be necessary for the Master thereof to deliver to the Emigration Agent, so nominated and authorized at such Port as aforesaid the list specified in Article 10 of the said Schedule, and to obtain such duplicate thereof as is required by the said Article.

X. And it is hereby enacted, that if the Master of any Ship or Vessel shall at any of the Ports aforesaid take on board such Ship or Vessel any Emigrant laborer of the description aforesaid, and shall clear such Ship or Vessel for Jamaica, British Guiana or Trinidad without having fully complied with every particular hereinbefore required previous to clearance he shall be liable on conviction before any Magistrate or Justice of the Peace in a penalty of 200 Rupees for every Emigrant laborer so taken on board his Ship or Vessel.

XI. And it is hereby enacted, that if the Master of any Ship or Vessel shall after having cleared such Ship or Vessel at any such Port as aforesaid for Jamaica, British Guiana or Trinidad take on board any such Emigrant laborer as aforesaid without having entered such Emigrant laborer in such list as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such Emigrant prior to clearance, he shall be liable on conviction before any Magistrate or Justice of the Peace in a penalty not exceeding 500 Rupees for every Emigrant so taken on board his Ship or Vessel.

XII. And it is hereby enacted, that if any Master of any Ship or Vessel cleared for Jamaica, British Guiana or Trinidad as aforesaid shall, after having obtained such Certificate as aforesaid fraudulently do or suffer to be done any act or thing whereby such Certificate shall become inapplicable to

ACT No. XXI. OF 1844.

to the altered state of the Ship or Vessel, its Passengers or other matters to which such Certificate relates, such Master shall be liable on conviction in any Penalty not exceeding 5000 Rupees, beside incurring a forfeiture of any Bond executed in consideration of any licence obtained for the Vessel as originally described.

XIII. And it is hereby enacted, for the greater security against Emigrant laborers being embarked for Jamaica, British Guiana or Trinidad, contrary to the provisions of this Act that all the powers vested by law in the Officers of Customs in regard to the searching and detention of Ships or Vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of the illegal embarkation of such Emigrants as aforesaid on board Ships or Vessels bound for Jamaica, British Guiana or Trinidad, and of other offences against this Act; and it is further enacted, that all Pilots in the service of the East India Company shall be invested with the same powers and be charged with the same duties as Preventive Officers of Customs in this behalf.

XIV. And it is hereby enacted, that every person who shall attempt by means of intoxication or by false imprisonment, or other means of crimping to export any Native on board any Ship or Vessel contrary to the provisions of this Act shall be liable to be punished on conviction before a Magistrate in a fine not exceeding 500 Rupees, or imprisonment not exceeding six months, provided that nothing in this Act contained shall prevent the offender from being proceeded against by indictment, but the offender shall only be liable to one of these courses of proceeding.

XV. And it is hereby enacted, that whenever a Vessel shall clear from Calcutta for Jamaica, British Guiana or Trinidad with Emigrant laborers

ACT No. XXI. OF 1844.

ners duly embarked thereon, the Customs Officer on board such Vessel shall countersign the Pass or Certificate brought on board such Vessel, by every such Emigrant laborer, and shall keep a Register of every such Emigrant laborer as may come on board. And such Customs Officer shall remain on board such Vessel until she shall arrive in Saugor Roads and shall not come away until a muster of the Crew and Passengers and Emigrant laborers has been made in his presence and in that of the Pilot in charge of the Vessel; and after the Customs Officer has taken muster and quitted the Vessel the Pilot shall continue to exercise the duties indicated in Section XIII. of this Act, and it shall be lawful for him if he shall deem it necessary to require the Master or Commander to take a general muster of the Crew and Passengers and Emigrant laborers on board and to sign a muster roll so taken, and every such Custom House Officer and Pilot shall make a complete report of the Emigrant laborers on board of any Ship at the time of his quitting the same, and such report shall contain a declaration that to the best of the Declarant's belief, no additional Emigrant laborers have been received on board since obtaining the Certificate, and that nothing else has been done or omitted to be done in the Ship or Vessel contrary to the provisions of this Act, and every such report or muster, if any, shall be transmitted without delay to the Emigration Agent of the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous or incomplete Report of the Emigrant laborers on board of any Ship, or who shall connive at the unauthorized embarkation of any such Emigrant laborers, shall be liable, besides dismissal, to a fine of 500 Rupees, commutable, if not paid, to imprisonment in the Calcutta Jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

XVI. And

ACT No. XXI. OF 1844.

XVI. And it is hereby enacted, that if any person shall forge or shall use, knowing it to be forged, any document required by this Act such person shall be liable to be imprisoned for any period not exceeding seven years.

XVII. And it is hereby enacted, that all the several penalties to which the Masters of Ships or Vessels are liable by this Act, shall be enforced by information laid before any Justice of the Peace at the instance of the Emigration Agent or of any Officer appointed for the purpose by the Government of the Place or Presidency, or may be enforced by putting in suit the Bond given by the Master, if such Bond has been given in consideration of the licence granted to the Ship.

SCHEDULE.

1. The Governors of Jamaica, British Guiana and Trinidad may from time to time nominate such persons as they shall see fit to act as Emigration Agents at Calcutta, Madras and Bombay.

2. The remuneration to be given to any such Agent in India, shall not depend upon or be regulated by the number of the Emigrants sent by him but shall be in the nature of an Annual Salary.

3. Every such Emigration Agent shall ascertain by personal communication with every Emigrant previously to his or her embarkation from the Port or Place for which such Agent shall have been appointed, that such Emigrant has not been induced to emigrate by any fraud, false or unreasonable

ACT No. XXI. OF 1844.

sonable expectation, and is aware of the distance of the Colony to which he or she is about to emigrate from the place where he or she is about to embark; and such Agent shall explain the real advantages likely to be derived by such Emigrant from a removal to such Colony, at the same time cautioning such Emigrant against unreasonable and unwarrantable expectations; and such Agent shall also ascertain that every such Emigrant is in good health, and not incapacitated from labour by old age, bodily infirmity, or disease.

4. It shall not be lawful to ship on board of any Ship or Vessel carrying Emigrants from India to any of the Colonies aforesaid, any number of Passengers exceeding the proportion of one person for every two tons of the registered burthen of such Ship or Vessel, and no such Ship or Vessel carrying Emigrants and having more than one deck, shall have less than the height of six feet at the least between decks, and in case such Ship or Vessel shall have only one deck, a platform shall be laid beneath such deck and in such manner as to afford a space of the height of six feet at the least, and that such platform shall not be so laid as that the lower beams shall project above the same, and that no such Ship or Vessel shall have more than two tiers of berths, and that no such Ship or Vessel shall carry Passengers on any such voyage to any of the Colonies aforesaid unless there shall be an interval of six inches at least between the deck or platform and the floor of the lower tier throughout the whole extent thereof; and whatever may be the tonnage of the Ship or Vessel, no greater number of Passengers shall be taken on board of such Ship or Vessel than shall be after the rate of one such person for every twelve superficial feet of the lower deck or platform unoccupied by goods or stores not being the personal luggage of such person.

5. In the computation of the number of Passengers within the
meaning

ACT No. XXI. OF 1844.

meaning of these Regulations, two Children under the age of ten years shall be considered as equal to, and shall be reckoned as, one person only.

6. There shall be actually laden on board of every Ship or Vessel, conveying Emigrants into any of the Colonies aforesaid at the time of departure of such Ship or Vessel from the Port or Place at which such laborers shall be embarked, good and wholesome provisions for the use and consumption of the said Passengers over and above the victualling of the Crew, to the amount or in the proportion following, that is to say, a supply of Water to the amount of five gallons for every week of the computed Voyage for every Passenger on board such Ship or Vessel, such Water being carried in Tanks or Sweet Casks, and a supply of Rice, Bread, Biscuit, Flour, Oatmeal, or Bread stuffs to the amount of seven pounds weight to every week of the computed voyage for every such Passenger; provided always that when any such Ship or Vessel shall be destined to call at a Port or Place in the course of her voyage, for the purpose of filling up her Water Casks, a supply of Water at the rate beforementioned for every week of an average voyage to such Port or Place of calling, shall be deemed to be a compliance with this Regulation, and provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case when it shall be made to appear, that by the special authority of the Governor General of India in Council any other articles of food were substituted for the articles above enumerated as being in his judgment equivalent thereto.

7. Before any such Ship or Vessel shall be cleared out on any such Voyage, the Agent appointed for the Port or Place from which such Ship or Vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the Provisions and Water hereinbefore required to be on board for the consumption of Passengers, and shall ascertain that the same

are

ACT No. XXI. OF 1844.

are in good and sweet condition, and also that over and above the same there is on board an ample supply of Water and Stores for the victualling of the Crew of the Ship or Vessel, and shall also ascertain that such Ship or Vessel is generally reputed sea-worthy and that the directions hereinbefore contained for ensuring the health and safety of the Passengers have been complied with, and shall grant a Certificate thereof under his hand to the Master of such Ship or Vessel.

8. The Master of every Ship or Vessel conveying Emigrants to Jamaica, British Guiana or Trinidad shall be bound to provide for and furnish to every such Emigrant, and his wife and children, a sufficient quantity of good and wholesome Provisions for his, her and their daily maintenance during such voyage and during the space of 48 hours next after the arrival of such Ship or Vessel at the place of destination.

9. Two copies of these Regulations, authenticated by the signature of the Agent at the Port or Place at which such Emigrants shall embark, shall be delivered to the Master by such Agent on demand at the time of clearance, and shall be kept on board of every Ship or Vessel carrying such Emigrants as aforesaid, and one of such copies shall upon request made at reasonable times to the Master of the Ship or Vessel be produced to any Passenger for his perusal.

10. The Master of every Ship or Vessel carrying Emigrants from India to any of the three Colonies aforesaid, shall before clearing out such Ship or Vessel, deliver to such Agent at the Port or Place from which such Vessel is cleared out, a list in writing, together with a duplicate of the same, specifying as accurately as may be, the names, ages and occupations of all and every the Emigrants on board such Ship or Vessel, and such Agent shall

ACT No. XXI. OF 1844.

shall thereupon deliver to the said Master the counterpart of such lists, signed by such Agent, and the said Master shall on the arrival of such Ship or Vessel at the place of destination, and previous to the disembarkation of any such Emigrants give notice of the arrival of such Ship or Vessel, and deliver the said counterpart of such list to the Protector of Immigrants appointed or to be appointed at the Colony at which the said Ship or Vessel may have arrived.

11. Provided always that nothing in these Regulations contained shall apply to any Ship or Vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's Ships of War.

ACT No. XXII. OF 1844.

*Passed by the Right Honorable the Governor General of India
in Council on the 28th December, 1844.*

*An Act for regulating the Copper Coinage of the Mints in the Territories of
the East India Company.*

I. IT is hereby enacted, that from and after the passing of this Act the following Copper Coins only shall be issued from any Mint within the Territories of the East India Company

1. A Pice weighing 100 Grains Troy,
2. A Double Pice 200 " "
3. A Pie of one-twelfth of an Anna-piece ... $33\frac{1}{3}$ " "

with such devices as shall be fixed for the same by the Governor General in Council.

II. And it is hereby enacted, that from and after the passing of this Act the said Pice shall be a legal tender throughout the Territories of the East India Company for $\frac{1}{64}$ of the Company's Rupee, and the said Double
Pice

ACT No. XXII. OF 1844.

Pice for $\frac{1}{32}$ of the Company's Rupee, and the said Pie for $\frac{1}{192}$ of the Company's Rupee.

III. And it is hereby enacted, that all Copper Coins of the weights specified in Section I. of this Act which may have been issued since the passing of Act XXI. of 1835, from any Mint within the Presidency of Bombay, shall be legal tender respectively for the values specified in Section II. of this Act within that Presidency.

IV. Provided always, that none of the said Copper Coins shall be legal tender except for fractions of a Rupee.

Calcutta, 1844 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

1844/45
Civil audit
Inno. 3255

1846/47
Civil and Stats
Indns 1709

INDEX TO ACTS.

1845.

I N D E X

TO THE

ACTS OF THE GOVERNMENT OF INDIA,

FOR 1845.

A.	Acts.	Section.	Clause.	Territorial Scope of the Acts.
Act No. XII. of 1841—3d and following Sections of,—repealed, (See Lands.)	I.	.....	.....	Bengal.
Acts No. XIV. 1836, I. 1838, VI. 1844—Schedules A annexed to—amended, ...	IX.	.....	.....	General.
Act No. XV. 1844—repealed, (See Duties.)	„			
„ No. IV. of 1840—so much of Section IV. of—As provides for the period of complaint against forcible dispossession, repealed as far as regards complaints by Native Officers and Soldiers, ... (See Native Officers and Soldiers.)	XV.	VI.		
„ XXIX. of 1841—Provisions of—modified, ...	XVI.	.....	.....	Bengal and Madras.
„ XXI. of 1844—Section VIII. of—as regards time of sailing of Vessels with Emigrants from Madras to Jamaica, British Guiana, and Trinidad—repealed, ... (See Emigrants.)	XXV.	.....	.....	Madras.

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Act No. IV. of 1840—extended to Assistant Magistrates, .. (See Assistant Magistrates.)	XXVII.			
Adultery—how punishable, ...	II.	I.	.....	Bombay.
—Who shall prosecute for the offence of,.....	„	II.		
Agent for the Suppression of Meriah Sacrifices, ...	XXI.	.....	.....	Bengal and Madras.
(See Meriah Sacrifices.)				
Ale—See Duties.				
Appeal—Courts of—may or may not call for security for costs from appellants,.....	III.	.....	.....	Presidency of Fort William.
—Conducted on behalf of Government—security no longer demandable from Public Officers in matters connected with, ..	VIII.	.....	.....	Bombay.
(See “Security.”)				
Appeals dismissed under Act 29 of 1841, may hereafter be readmitted in certain cases, .	XVI.	I.	.....	Bengal and Madras.
—dismissed before the passing of this Act and under the above Act may be readmitted in similar cases,.....	„	II.		
—readmitted under this Act but again dismissed under Act 29 of 1841, shall not be readmitted again, ...	„	III		
Arrack—Licences for the sale of —in Calcutta—(See Licence.)				
„ Manufacture of—by European process within the Madras Presidency — (See Licence.)				

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
Arrears of Revenue—Sale of Lands for, ... (See Lands.)	.....	.....	.....	Bengal.
Articles of War—for the Go- vernment of Native Officers and Soldiers in the Military Service of the Company to have effect from 7th October 1845, ...	XX.	.....	.....	General.
„ Preliminaries to be observed prior to enrolling a Recruit in his Regiment, ...	XX.	I.	1	
„ Dismissal of Commissioned and Non-Commissioned Offi- cers and Soldiers shall be subservient to whose orders,	„	„	2	
„ Certificate of discharge to be given to Non-Commis- sioned Officers and Soldiers,	„	„	3	
„ Penalty for Non-Commis- sioned Officers or Soldiers enlisting themselves in other Regiments without a regular discharge, ...	„	„	4	
„ Enumeration of crimes pu- nishable with Death, Trans- portation, Corporal Punish- ment, Imprisonment or Dis- missal,.....	„	II.		
„ Committing Mutiny or Sedi- tion, ...	„	„	5	
„ Using or offering violence against superior Officers, ...	„	„	6	
„ Disobeying Commands,.....	„	„	7	

Articles

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War — Deserting the Service, ...	XX.	II.	8	
„ Sleeping while upon posts as Sentries, or leaving them without being relieved or without leave, ...	„	„	9	
„ Abandoning or delivering up any Garrison, Fortress, Post or Guard, or inducing others to do the same, ...	„	„	10	
„ Abuse of Watchword, ...	„	„	11	
„ Corresponding with the Enemy, or suppressing know- ledge of such correspondence,	„	„	12	
„ Assisting or relieving the Enemy with Money, &c., or harbouring or protecting him,	„	„	13	
„ Allowing prisoners to escape,	„	„	14	
„ Misbehaving before the Enemy or inducing others to do the same, ...	„	„	15	
„ Casting away Arms or Am- munition before the Enemy,	„	„	16	
„ Leaving the Commanding Officer, or Posts, Colours or Parties in time of action for plunder, ...	„	„	17	
„ Doing violence to persons bringing provisions or other necessaries to the Camp or Quarters, forcing safe guards, or breaking into any house or place for plunder, or plundering Fields or Gar- dens or other property, ...	„	„	18	

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War—Raising false alarms in Action, Camp, Gar- rison or Quarters, ...	XX	II.	19	
„ Releasing or through care- lessness suffering State Pri- soners to escape, ...	„	„	20	
„ Leaving Posts without being relieved, or without leave while employed as Sentries over State Prisoners, Trea- sure, Magazine or Dock Yard. If an Officer how punishable. If a Soldier ditto ditto, ...	„	„	21	
„ Crimes not punishable with Death or Transportation.				
„ Officers or Soldiers creating unnecessary alarm by spread- ing Reports during opera- tions in the Field, ...	„	„	22	
„ In or before Actions creat- ing alarm or despondency,...	„	„	23	
„ Being drunk when on duty,	„	„	24	
„ Soldiers being grossly insub- ordinate or insolent in the Ranks, or before a Court Martial. If an Officer how punishable. If a Soldier ditto ditto, ...	„	„	25	
„ Officers improperly behav- ing, ...	„	„	26	
„ Officers or Soldiers leaving their arrest or confinement before set at liberty,.....	„	„	27	
„ Advising or conniving at Desertion,.....	„	„	28	

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War — Obtaining Pensions or Allowances by false Statements or Certificates, or by omitting true Statements, ...	XX.	II.	29	
„ Making false Returns or Reports of men under their Commands, or of Arms, Ammunition, &c., ...	„	„	30	
„ Malingering, feigning or intentionally producing disease or infirmity, delaying cures and aggravating diseases, ...	„	„	31	
„ Extorting while on the Post or March, ...	„	„	32	
„ Defiling places of Worship and insulting religious prejudices of others, ...	„	„	33	
„ Plundering or injuring property, ...	„	„	34	
„ Soldiers when off duty carrying any Weapon, ...	„	„	35	
„ Selling, pawning, losing or injuring horse, arms, clothes, &c. &c. If an Officer how punishable. If a Soldier ditto ditto, ...	„	„	36	
„ Crimes punishable with Fine or loss of Pay in addition to other Punishment.				
Officers and Soldiers embezzling or misapplying any money, provisions, &c., entrusted to them —or spoiling such property, how punishable, ...	„	„	37	

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War — Soldiers maiming or injuring themselves or other Soldiers, ...	XX.	II.	38	
„ Purloining or selling Government Stores, ...	„	„	39	
„ Stealing Soldiers' or Officers' Money or Goods, ...	„	„	40	
„ Embezzling or mis-applying public money, ...	„	„	41	
„ Committing petty offences of a fraudulent nature, ...	„	„	42	
„ Guilty of any other disgraceful conduct—how punishable, Crimes not punishable with Corporal Punishment or Imprisonment with Labor.	„	„	43	
„ Officers or Non-Commissioned Officers striking any Soldier, ...	„	„	44	
„ Sentry sleeping upon his Post in time of Peace or leaving it without being relieved, ...	„	„	45	
„ Officers or Soldiers enlisting a Deserter, or conniving at his enlistment, ...	„	„	46	
„ Requiring or accepting bribes for procuring leave of absence or promotion for any Officer or Soldier, ...	„	„	47	
„ Not doing reparation for injuries complained of to them, ...	„	„	48	
„ Refusing to receive Prisoners committed to their charge, ...				

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
releasing Prisoners without authority, or allowing them to escape, ...	XX.	II.	49	
Articles of War — Quitting Guards or Picquets in time of Peace without being re- lieved, ...	"	"	50	
„ Impeding the Provost Mar- shal or his Assistants, or others exercising authority, or refusing assistance to them in the execution of their duty,	"	"	51	
„ Not rejoining their Regi- ments ordered on service, when on leave, ...	"	"	52	
„ Occasioning false alarms in time of Peace by discharge of Fire Arms, &c., ...	"	"	53	
„ Failing to repair to the Parade for exercise, ...	"	"	54	
„ Quitting their Company or Troop or the Parade without leave, ...	"	"	55	
„ Absenting without leave, or without cause overstaying the period of leave, ...	"	"	56	
„ Soldiers found two miles from the Camp contrary to orders, ...	"	"	57	
„ Absenting from the Canton- ment after Tatoo, or from Camp after Retreat beating,	"	"	58	
„ Selling, losing or wasting Ammunition— If an Officer, how punishable. If a Soldier, ditto ditto, ...	"	"	59	

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War—All crimes not Capital and all disorders or neglects which Officers or Soldiers may be guilty of though not specified in the above Articles shall be cognizable by Courts Martial and how punishable, ...	XX.	II	60	
„ Persons amenable to these Articles when summoned before a Court Martial, not attending or refusing to be sworn or to make affirmation, or to answer any lawful question, or inducing others so to offend, how punishable,	„	„	61	
„ Persons not amenable to these Articles who having been summoned upon any Court Martial shall offend as above or be guilty of perjury, how to be dealt with, ...	„	„	62	
„ Persons using menacing or disrespectful words, signs or gestures before a Court Martial, or disturbing its proceedings—how punishable,...	„	„	63	
„ Persons guilty of giving false evidence before Courts Martial—how punishable, ...	„	„	64	
„ Offences admitting of less serious notice triable by District or Garrison or Regimental Courts Martial, excepting Mutiny offences de-				

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
signafed "Disgraceful Con- duct," and admitting of less serious notice triable by Re- gimental Courts Martial, ...	XX.	II.	65	
Articles of War—Offences com- mitted on the Line of March, or on Board Ship, how to be tried and punished,.....	"	"	66	
„ Officers or Soldiers triable by Courts Martial should by the issue of process be put under arrest or confine- ment until tried or dis- charged,.....	"	III.	67	
„ Limitation of the periods of trial of the offender previous to the order directing the assembly of the Court Martial,	"	"	68	
„ Offenders may be tried at any place other than where the offence had been committed,	"	"	69	
„ By whose order Courts Mar- tial may be appointed, and vested with what powers, ...	"	"	70	
„ A General Court Martial how to be constituted, and its sentence shall be subject to whose confirmation, ...	"	"	71	
„ Powers of a General Court Martial, ...	"	"	72	
„ Confirmation and commuta- tion of sentence by the Com- mander in Chief, ...	"	"	73	
„ District or Garrison Court Martial how to be constituted				

and

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
and its sentences by whom to be confirmed,.....	XX.	III.	74	
<i>Commutation of sentences of such Courts Martial.</i>				
Articles of War—Powers of a District or Garrison Court Martial, ...	„	„	75	
„ A Regimental Court Martial how to be formed, and its order by whom to be con- firmed, ...	„	„	76	
<i>Commutation of sentences of such Courts Martial.</i>				
„ Powers of a Regimental Court Martial, ...	„	„	77	
„ Regimental Detachment Court Martial how to be formed. What shall be its powers—and provisions re- lating to Regimental Courts Martial applicable to Detach- ments, ...	„	„	78	
„ Officer convening Courts Martial may instruct them to omit solitary confinement and corporal punishment in their sentences in particular cases, ...	„	„	79	
„ Execution of sentences of Death by Courts Martial, ...	„	„	80	
„ Sentences of Transportation and Imprisonment, how to be executed, ...	„	„	81	

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War—Commander in Chief may transport of- fenders sentenced to Impri- sonment for Life, ...	XX.	III	82	
„ Persons sentenced to Impri- sonment may be imprisoned in any public prison, ...	„	„	83	
„ Soldiers who have under- gone the punishment of im- prisonment with hard labor shall not be re-admitted in the ranks or entitled to Pen- sion, ...	„	„	84	
„ Offenders sentenced to cor- poral punishment or impri- sonment with hard labor shall be dismissed with igno- miny, ...	„	„	85	
„ Fines or Stoppages adjudged by a Court Martial, how to be recovered, ...	„	„	86	
„ Period and amount of forfei- ture or stoppage limited, ...	„	„	„	
„ Hours fixed for the Courts to sit, ...	„	„	87	
„ Proceedings of General and Inferior Courts Martial to be conducted by Officers of what standing, ...	„	„	88	
„ An Interpreter to be ap- pointed to Courts Martial— and by whom, ...	„	„	89	
„ The Senior Officer shall pre- side, and how the Subadar Major and other Native				

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
Officers shall rank. In the absence of the President who shall preside, ...	XX.	III.	90	
Articles of War—Revision of sentence, ...	„	„	91	
„ Votes of Members and Pre- sident how to be regulated,	„	„	92	
„ What majority required in cases of sentence of death,...	„	„	93	
„ Forms of Affirmation, ...	„	„	94	
„ Persons to be examined on Oath according to their own religion—Forms of Affirma- tion for Hindoos and Maho- medans, ...	„	„	95	
„ Witnesses not amenable to these Articles how to be summoned, ...	„	„	96	
„ Powers and duties of Pro- vost Marshal, ...	„	„	97	
„ Trials by European Courts Martial of persons claiming to be tried by such Courts,...	„	„	98	
„ Effects of the Dead how to be secured, ...	„	IV.	99	
„ If no Heirs, how the Effects are to be disposed of, ...	„	„	100	
„ Effects of Deserters how to be disposed of, ...	„	V.	101	
„ Powers and Provisions re- lating to the Commander in Chief and to Soldiers how to be construed, ...	„		102	
„ Troops of one Presidency serving within another, shall				

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
be subject to the order of the Commander in Chief of the Presidency within which they may be serving, except when otherwise directed by the Governor General, ...	XX	V.	103	
Articles of War—Commanding Officers may summon Courts Martial for trying offenders belonging to the Company's Army serving out of H. M.'s or the Company's Territories and of the States in alliance with the Company, ...	"	"	104	
„ General Courts Martial only to try Commissioned Officers or to pass sentence of Death or Transportation, ...	"	"	105	
„ Persons not liable to be tried for the second time by the same or other Court Martial for the same offence. After a Soldier has been found guilty his general character to be ascertained, ...	"	"	106	
„ Non-Commissioned Officers shall be reduced to the ranks only by the sentence of a Court Martial or by order of the Commander in Chief, ...	"	"	107	
„ Complaints of Officers or Soldiers against their supe- rior or other Officers, how to be dealt with, ...	"	"	108	
„ Light offences how punishable,	"	"	109	

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War—Officers or Soldiers taken Prisoners by the Enemy, how far entitled to arrears of Pay and Allow- ance on return, ...	XX.	V.	110	
„ Mode of dealing with offences not Military, ...	„	VI.	111	
„ Crimes triable by Courts Martial where no regular criminal tribunals exist, ...	„	„	112	
„ General Courts Martial shall have cognizance ordinarily of what offences, ...	„	„	113	
„ Offences cognizable by Dis- trict or Garrison Courts Mar- tial, ...	„	„	114	
„ Regimental, Detachment or Line Courts Martial shall have cognizance of what offences, ..	„	„	115	
„ General Courts Martial shall punish murder with death,...	„	„	116	
„ What offences shall be pun- ishable by Transportation for Life by the said Court, ...	„	„	117	
<i>Offences punishable by Imprison- ment for 14 years by said Court, viz.</i>				
„ House-breaking, Robbery and Stealing with Wounding, ...	„	„	118	
„ Wounding with intent to Murder, ...	„	„	119	
„ Robbery or Dacoity, ...	„	„	120	
„ House-breaking between sun- set and sunrise, ...	„	„	121	

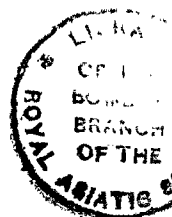
	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War—House-break- ing and stealing, ...	XX.	VI.	122	
„ Purchasing or receiving stolen property, ...	„	„	123	
<i>Offences punishable by Imprison- ment not exceeding 7 years by a General Court Martial.</i>				
„ Homicide, ...	„	„	124	
„ Premeditated affray, attend- ed with Homicide or severe Wounding, ...	„	„	125	
„ Intentionally Wounding or Maiming, ...	„	„	126	
„ Accidentally Wounding or otherwise doing corporal in- jury to one person with the intention of injury to another,	„	„	127	
„ House breaking between sun- rise and sunset, ...	„	„	128	
„ Stealing property exceeding the value of 300 Rupees, ...	„	„	129	
„ Purchasing stolen property exceeding the above amount,	„	„	130	
„ Arson, ...	„	„	131	
„ Unnatural Crime, ...	„	„	132	
„ Rape, ...	„	„	133	
„ Enticing for unlawful pur- poses unmarried women un- der 15 years, ...	„	„	134	
„ Stealing children under 8 years, ...	„	„	135	

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
DISTRICT, OR GARRISON COURT MARTIAL.				
<i>Offences punishable by Imprisonment not exceeding 3 years.</i>				
Articles of War—Offenders not being Commissioned Officers how punishable for offences as in the above Articles not punishable with Death, Imprisonment, or Transportation for Life, ...	XX.	VI.	136	
„ Officers or Soldiers convicted of stealing any property of value not exceeding 300 Rupees, but exceeding 50 Rupees, ...	„	„	137	
„ Receiving stolen property not exceeding 300 Rupees,...	„	„	138	
„ Keeping in possession stolen property, knowing it to have been stolen, ...	„	„	139	
REGIMENTAL, DETACHMENT, OR LINE COURTS MARTIAL.				
„ Offenders not being Commissioned Officers how punishable for offences specified in the above Articles which are not punishable with Imprisonment exceeding 3 years,	„	„	140	
„ Stealing property of the value of 50 Rupees or less, —how punishable, ...	„	„	141	

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War — Assault or affray unattended with homi- cide, severe wounding, or aggravating circumstances, —how punishable, ...	XX.	VI.	142	
„ Resisting process of a Magis- trate, ...	„	„	143	
„ Offending against person or property not provided for in —the above Articles,—how punishable, ...	„	„	144	
„ Aiding and abetting the Commission of the above offences,—how punishable,...	„	„	145	
„ Sentence of Death not to be carried into execution until confirmed by the Comman- der in Chief, and concurred in by the Government, ...	„	„	146	
„ Commander in Chief may confirm, remit or commute any sentence of Death, ...	„	„	147	
„ Sentence of Transportation not to be carried into effect until confirmed by the Com- mander in Chief, who may commute it into Imprison- ment, ...	„	„	148	
„ Competent Officers may con- firm, remit or mitigate any sentence, ...	„	„	149	
„ Sentence of Imprisonment with hard labor and award of discharge substituted for other punishment not to be				

carried

	<i>Acts.</i>	<i>Section.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
carried into effect without the sanction of the Officer Commanding the Division or Field Force or District or Division, ...	XX.	VI.	150	
Articles of War—Offenders tried by a Court Martial shall not be tried for the same offence in any other Court. Persons acquitted or convicted by a Civil Court may be Cashiered or Dismissed,...	„	„	151	
„ Regulations concerning the powers of certain Officers and the constitution of Panchayets or Courts Martial to continue in force, ...	„	„	152	
„ Application of the Articles,...	„	VII.	153	
„ Promulgation of the same, ...	„	„	154	
Assam Company—Names of persons forming the Body Corporate for the Manufacture of Tea, &c., in Assam and other North Eastern parts of India,.....	XIX.	I.	.....	Bengal.
„ May prosecute and extend the cultivation of Tea plants, and exercise certain powers for that purpose—other Articles for the nature indicated may also be cultivated, except Opium, Coffee or Sugar,	„	II.		
„ What shall be the Capital, and how far it can be increased, ...	„	III.		Assam



	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Assam Company — Raising loans restricted to a certain extent, ...	XIX.	IV.		
„ Right of property heretofore enjoyed by the Society now vested in, ...	„	V.		
„ May make and alter Bye- Laws, Rules and Regulations for the government of affairs —Present Deed of Associa- tion of the Company to con- tinue in force until altered,...	„	VI.		
„ Proceedings of Meetings held heretofore legalized, ...	„	VII.		
„ General Meetings where and how often to be held, and scale of votes to which the Proprietors shall be entitled,	„	VIII.		
„ Accounts to be produced be- fore such periodical Meetings,	„	IX.		
„ Payments already made for Shares confirmed,.....	„	X.		
„ Certificates to be granted to Shareholders of their respec- tive shares which shall be negotiable, ...	„	XI.		
„ Shares to be deemed as per- sonal Estates, ...	„	XII.		
„ Unpaid amount of Shares how to be realized, ...	„	XIII.		
„ Penalty for non-payment of instalments	„	XIV.		
„ Shall have the benefit of, and be bound by the acts of the Provisional Committee				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
or the partnership Association heretofore done, and sue and be sued thereon, ...	XIX.	XV.		
Assam Company — Copies of original Deed of Settlement, Rules, Orders, Bye Laws, &c., to be kept in the office of the Company, and deposited in the Prothonotary's Office, and the production of the same duly certified shall be sufficient evidence in cases tried in any Court, ...	"	XVI.		
„ Entry of names of Directors and Officers of the Company where to be kept, ...	"	XVII.		
„ Entry of names of the Proprietors, with certain particulars how and where to be kept, ...	"	XVIII.		
„ Shall sue and be sued in the name of the Company, ...	"	XIX.		
„ Service of process and notice of proceedings may be made and given to the Secretary, ...	"	XX.		
„ Act how long to continue in force, ...	"	XXI.		
Assessments—(See Municipal Fund,)				
Assistant Magistrates vested with special powers may decide cases under Act IV. of 1840, ...	XXVII.	I.		Presidency of Fort William.
„ Magistrates may re-call any depending cases, and deter-				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
mine themselves in the first instance,.....	XXVII.	II.		
Attachment — of Pension of Soldiers and others by Process—(See Pensions.)				
Attorneys—admission of—into the Supreme Court at Bombay, ... (See Supreme Court.)	XIII.	.....	.....	Bombay.
B.				
Bank—(See Union.)				
Beer—(See Duties.)				
British Guiana—Emigrants to— (See Emigrants.)				
C.				
Canals—The Lieutenant Governor may apply the provisions of this Act to any— for regulating the levy of Water Rent, Tolls and Dues thereof, ...	VII.	I.	.....	N. W. P.
„ He may make Rules for the above objects both as regards navigation and irrigation, ...	„	II.		
„ Acts done contrary to such rules how punishable,.....	„	III.		
„ Payment of balances of Water Rent for Lands irrigated how to be enforced, ...	„	IV.		
„ Obstructions and damages to the same shall be liable to penalties, ...	„	V.		

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Canals—Offending against the Act or the Rules passed under it, how punishable, ...	VII.	VI.		
„ Payment of Toll how to be enforced if refused, ...	„	VII.		
„ The Lieutenant Governor may appoint an Officer for collecting the Rent, Toll and Dues, and with what powers,	„	VIII.		
Commissions — of the Peace how and by whom to be issued, to persons to act as Justices of the Peace not named in the General Commission last issued, ...	VI.	.....	.....	General.
Compensation—to injured parties—awarding fines in—(See Fines,) ....	.....	.....	.....	Madras.
Conservancy—(See Municipal Funds,) .....	.....	.....	.....	Bombay.
Convicts—under Sentence of Imprisonment or Transportation for Life not within the Jurisdiction of Supreme Courts or Straits' Settlements committing acts with the intention of causing the death of any person, how to be punished hereafter, ...	XVIII.	I.	.....	General.
„ Such—committing any other offence how to be punished, ..	„	II.		
Costs—security for—in cases of Appeals—(See Appeals.)				
„ Security for—from Public Officers in cases of Appeals				

conducted

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
conducted on behalf of Government—(See Security,... Cotton Piece Goods and Twist —(See Duties.) County Funds—(See Municipal Funds,) Court—for the trial of persons in the Pilot Service—(See Pilots. Courts — Company's — May issue Warrants for the apprehension of defendants on failure to serve Summons in Criminal Cases—(See Warrants.) Courts Martial—held on Native Officers and Soldiers—(See Articles of War.) Criminal Business—dispatch of —facilitated in the Supreme Court, at Madras — (See Supreme Court.) Cuttack—Tributary Mehals in —(See Meriah Sacrifices.) Cyder—(See Duties.)	.....	.....	.....	Bombay.
	.....	.....	.....	Bombay.
D.				
Deeds—registration of — (See Registry.) Defendants—Warrants may be issued to — by Company's Courts in criminal cases on failure of service of Summons, ... (See Summons.)	X.	.....	.....	

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Distilleries—for the Manufacture of Spirituous Liquors within the Madras Presidency—(See Licenses.)				
Duties on Marine Stores—Metals—Woollens, Cotton and Silk Piece Goods, Cotton Twist and Yarn—Wines and Liqueurs, Spirits and all manufactured articles not mentioned in Schedules A. in Acts XIV. 1836, I. 1838, and VI. of 1844, how to be levied hereafter, ...	IX.	I.	.....	General.
„ Provisions of the above Acts having reference to the said Schedules now repealed, shall have reference to Schedule A. annexed to this Act, ...	„	II.		
„ Act XV. of 1844, repealed,..	„	III.		
E.				
Emigrants—Time for Vessels carrying—from Madras to Jamaica, British Guiana and Trinidad regulated for the future, ...	XXV.	II.	.....	Madras.
Estates—Sale of—for arrears of Revenue—(See Lands.)				
F.				
Fines—may be awarded by Session Judges within the				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Madras Presidency in compensation to injured parties, ...	XXX.	.....	.....	Madras.
G.				
Ganjam—(See Meriah Sacrifices.)				
Governor General—Powers of the—during his absence from the Council of India on a visit to the N. W. Provinces,.....	XXII.	I.	.....	General.
„ Act when to commence operation,.....	„	II.		
H.				
Hindoo Law Officers — (See Law Officers.)				
I.				
Import Duties — on certain Goods imported by Sea—(See Duties,) .....	.....	.....	.....	General.
Imprisonment for Life—Convicts under sentence of—committing offences how to be punished—(See Convicts.)				
Invalid Officers—Pensions of—(See Pensions.)				
Irrigation of Lands by Canals in the N. W. P.—Rules relating to—(See Canals.)				

J.	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Jamaica—Emigrants to—(See Emigrants.)				
Joint Judges may be appointed in any Zillah within the Bombay Presidency for facilitating the transaction of Civil business. Their powers defined, ...	XXIX.	I.	.....	Bombay.
„ Shall be guided by what Rules and Regulations, ...	„	II.		
„ Oath of office how to be taken, ...	„	III.		
„ Seal to be the same as is used by the Judge, ...	„	IV.		
„ Joint Session Judges may be appointed in any Zillah for facilitating the transaction of Criminal business. Their powers defined, ...	„	V.		
„ Shall be guided by what Rules and Regulations, ...	„	VI.		
„ Oath of office how to be taken, ...	„	VII.		
„ Seal to be the same as is used by the Session Judges, ...	„	VIII.		
Judges — Joint — Under the Bombay Presidency — (See Joint Judges.)				
L.				
Laborers—(See Emigrants.)				
Lands — Law relating to sale of—for arrears of Revenue, amended—(See Acts,)	I.	I.		Bengal, Behar, Orissa, and Benares.
„ Definition of an arrear, ...	„	II.		
„ Dates for the payment of arrears in permanently set-				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
tled Districts to be fixed by the Sudder Board, and how notified, ...	I.	III.		
Lands — not in permanently settled Districts, and in the Benares Province not sale- able without the Board's pre- vious sanction, ...	„	IV.		
„ Notice of fifteen clear days preceding the date fixed for the payment of arrears of certain descriptions neces- sary before the Estates are brought to sale, ...	„	V.		
„ After the latest fixed day of payment, Estates to be notifi- ed for sale with what parti- culars and for what period— Tender of payment after the latest date of payment not to bar sales, ...	„	VI.		
„ After notification a pro- clamation to be affixed at certain conspicuous places forbidding the ryots and under-tenants to pay rent to the defaulting proprie- tor after the last date of pay- ment, ...	„	VII.		
„ No claim to abatement or remission of Revenue except as mentioned, nor any de- mand against Government, shall bar or render a sale voidable, ...	„	VIII.		

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Lands—Parties other than proprietors may deposit the amount of the arrear before sunset of the latest date of payment. If the party be a plaintiff in a suit, he may be put in temporary possession of the Estate—Deposits made for the protection of one's own interest how to be reimbursed, ...	I.	IX.		
„ Estates under what circumstances exempted from sale for arrears, ...	„	X.		
„ Collectors and Commissioners of Revenue may exempt Estates from sale, the reasons being duly recorded, ...	„	XI.		
„ Sales where to be held, ...	„	XII.		
„ Sales may be adjourned till another day, owing to the Collector's sickness or any other causes, ...	„	XIII.		
„ Sales to be held in regular order with reference to the number of the Estates as on the Towjee, except in cases mentioned, ...	„	XIV.		
„ Purchasers of Estates to make deposits immediately and to what extent,.....	„	XV.		
„ Full amount of purchase money to be paid within thirty days. In default the deposit to be forfeited—the				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Estate re-sold, and the difference, if any, how to be levied. Payment of arrears by the proprietor before sunset of the day preceding the day of re-sale shall bar such re-sale, ...	I.	XVI.		
Lands—Commissioners of Revenue may on appeal annul sales if held contrary to this Act, the purchaser being compensated by the proprietor, ...	„	XVII.		
„ Local Government may annul sales at the recommendation of Sudder Board and Commissioner, ...	„	XVIII.		
„ Sales when to be final,.....	„	XIX.		
„ A Certificate of Title to be given to the purchaser in the form prescribed, the transfer how to be proclaimed, and the proceeds how disposed of, ...	„	XX.		
„ Plea of Benamee purchase inadmissible, ...	„	XXI.		
„ Annulment of Sales how to be notified — Deposit and balance of purchase money how to be refunded, ...	„	XXII.		
„ Purchasers liable for instalments falling due after the latest day of payment, ...	„	XXIII.		
„ Grounds and conditions on which a Civil Court may reverse a sale. Personal ac-				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
tions for damages allowed in what cases, ...	I.	XXIV.		
Lands—On reversal of sale by a Court of Justice, the pur- chase money to be refunded with interest, ...	„	XXV.		
„ Purchasers of permanently settled Estates in Bengal, Behar, Orissa and Benares, shall acquire them free from incumbrances imposed after settlement, enhance rents of under tenures with certain exceptions, ...	„	XXVI.		
„ Purchasers of Estates in other than permanently set- tled Districts shall acquire them free from incumbrances imposed after settlement and annul under tenures and agreements with ryotts with certain exceptions, ...	„	XXVII.		
„ Local Government may re- serve all under tenures at the sale of Estates, cancel such sale if found detrimen- tal to the interest of Govern- ment before it is final, and re-sell the Estate without the reservation, ...	„	XXVIII.		
„ Purchase by a Proprietor or Co-partner of Estates in his own or in the name of others shall be subject to all incum- brances and conditions which				

existed

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
existed previous to the sale, ...	I.	XXIX.		
Lands—Arrears of rent due to the defaulter how recover- able by him after sale, ...	„	XXX.		
„ Contempt to the Collector at the sale how punishable—Ap- peals in such case where to lie,	„	XXXI.		
„ Default to make good a bid shall be a contempt,.....	„	XXXII.		
„ Act to affect what Provinces,	„	XXXIII.		
Law Officers—Persons passing an examination in the pre- scribed form shall be eligible to the appointment of Ma- homedan and Hindoo, ...	V.	II.	.....	Presidency of Fort William.
(See Regulations.)				
Licences—Government of Ben- gal may vest any person with the powers of granting or withholding—for the sale of Arrack or Liquors in Cal- cutta, ...	XXVI.	I.	.....	Calcutta.
„ Government of Bengal may always regulate the form of,..	„	II.		
„ Officer granting—may de- mand Fees, Taxes and Duties, as fixed under sanction of Government, ...	„	III.		
„ In case of non-payment of the same the Officer may withhold or recal the Li- cences. Penalty for selling whilst the Licenses are with- held or re-called, ...	„	IV.		

Licences

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Licences—for the manufacture of Spirituous Liquors—Re- gulation I. of 1820, of the Madras Code, relating to— modified, ...	XXXII.	I.	.....	Madras.
„ Granted under Section 4, Regulation I. of 1820, for the establishment of Distilleries, how to be prepared here- after, and shall contain what stipulations,.....	„	II.		
„ Penalties for the breach of the stipulations, ...	„	III.		
„ Offences specified in Regu- lation I. of 1820, to be sub- ject to the penalties therein provided—European British subjects exempted from hard labor when imprisoned under sentence passed under the Regulation—Fines how re- coverable, ...	„	IV.		
„ British subjects to be im- prisoned in the Madras Gaol,... ..	„	V.		
„ Such prisoners how to be received by the Gaoler, ...	„	VI.		
Liquors—(See Duties.)				
„ Licences for the sale of—in Calcutta—(see Licences.)				
„ Spirituous—manufacture of —by European process within the Madras Presidency— (See Licences.)				
Liqueurs—(See Duties.)				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Meriah Sacrifices—Agents and their subordinates appointed under this Act to be guided by what authority—.....	XXI.	V.		
„ Governor General in Council may prescribe rules for the guidance of the Agents and Subordinates in Civil and Criminal matters, ..	„	VI.		
Military Service—Native Officers and Soldiers in the— (See Articles of War.)				
Moonsiffs may hereafter retain Nazirs, to whom Clause 8, Section 14, Regulation XXVI of 1814 shall be applicable— (See Regulations.)	XIV.	II.		
„ How to enforce the attendance of Witnesses in their Courts—(See Witnesses.)				
Municipal Funds—Persons paying Tax for Houses, Buildings, Grounds, Shops, Stalls, Carriages, Carts or Horses, required to furnish returns of annual value thereof. Non-delivery of them and false returns how punishable, ...	XI.	III.	.....	Bombay and Colaba.
„ Houses or Buildings assessed how to be identified, ...	„	IV.		
„ Collector of Land Revenue shall make a Quarterly Assessment on Shops and Stalls, ...	„	V.	I.	Municipal

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Municipal Funds—Assessments how to be collected by the Collector, ...	XI.	V.	II.	
„ Tax to be collected quarterly under the Collector's receipt,	„	„	III.	
„ Religious Edifices, and what other Buildings exempted from Assessment,.....	„	VI.		
„ Monies collected under what heads and authorities dis- posable under this Act,.....	„	VII.		
„ Exemption of certain collec- tions from the purposes of this Act,.....	„	VIII.		
„ Sums of money paid out of the County Fund under Act XXVIII of 1839, henceforth to be paid out of the—.....	„	IX.		
„ Monies collected under Sec- tion VII. of this Act to form the—and to be placed un- der whose control. A Board of Conservancy for admi- nistering the Funds, how to be formed, ...	„	X.		
„ What amounts to be allotted for the General Police Ex- penses throughout Bombay and Colaba Islands,.....	„	XI.		
„ Balance how to be appro- priated by the Board,.....	„	XII.		
„ Board may construct cer- tain New Public Works with the sanction of Govern- ment, ...	„	XIII.		

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Municipal Funds—Board may appoint Officers required for the purposes of this Act, ...	XI.	XIV.		
„ Amount of Fines payable to the — how to be ascertained, ...	„	XV.		
„ Sums under authority of Chapter 4, Regulation XIX. of 1827, how to be collected hereafter, ...	„	XVI.		
„ Receipts and Disbursements, how to be accounted for by the Board,.....	„	XVII.		
„ Conservancy Board may refer to Government any measures rejected by the body appointed for the control of the—	„	XVIII.		
„ Shall hereafter comprehend the “Police Fund,” “County Fund,” and “Assessment Fund,”	„	XIX.		
„ Fines under this Act how to be recovered, ...	„	XX.		
N.				
Native Officers and Soldiers—Regulation XV. of 1816 of the Bengal Code relating to certain privileges of — declared to be still in force— .	XV.	I.	.....	General.
„ Extending the above Law to the Bombay Presidency,				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
that for Madras being already the same in substance, ...	XV.	II.		
Native Officers and Soldiers— Company's Courts shall re- ceive plaints from—upon unstamped paper in original suits, ...	„	III.		
„ Value of Stamp to be charg- ed in the Decree to the party cast or to the parties respec- tively, ...	„	IV.		
„ Penalty for instituting suits in which the—are not bona fide interested, or not inter- ested to the extent alleged,...	„	V.		
„ So much of Section 4, Act IV. of 1840, as provides for the period of complaints against forcible dispossession of Lands, &c., repealed as far as regards Native Officers and Soldiers, ...	„	VI.		
„ Period of complaint by— after dispossession left to the discretion of the Magis- trate, ...	„	VII.		
Native Officers and Soldiers— Articles of War for the Government of—(See Arti- cles of War.)				
Navigation on Canals in the N. W. P.—(See Canals.)				
Nazirs in the Moonsiff's Courts —(See Moonsiffs and Regu- lations.)				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
O.				
Officers—Native — Articles of War for the Government of —(See Articles of War.)				
Officers of the Pilot Service—(See Pilots.)				
Orissa Hill Tracts—(See Meriah Sacrifices.)				
P.				
Pensions—of Invalid Officers, Soldiers and Retainers of the Bombay Army, and any public Servants exempted from attachment by Process of Courts for demands against the Pensioners, ...	XXXI.	I.	.....	Bombay.
„ Assignments of — declared null and void except as mentioned—.....	„	II.		
Pilots—how to be tried for breach of duty, ...	XXIV.	I.	.....	Bengal.
„ President of the Court for the trial of—how to be appointed, ...		II.		
„ The Court how to be composed, and by whom to be convened, ...	„	III.		
„ Place of President how to be supplied in case of absence, .	„	IV.		
„ Attendance of persons appointed to the Court how to be enforced, and under what penalty, ...	„	V.		

Pilots

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Pilots—Proceedings by whom to be conducted on behalf of Government, ...	XXIV.	VI.		
„ Judge Advocate may sum- mon Witnesses. Provision made for examination of per- sons about to depart from Calcutta, ...	„	VII.		
„ Witnesses protected from arrest. Penalty for non-at- tendance of Witnesses, ...	„	VIII.		
„ Members of the Court how and by whom to be sworn, ...	„	IX.		
„ Judge Advocate the same, ...	„	X.		
„ Witnesses may be sworn by Oath or Solemn Declara- tion, ...	„	XI.		
„ Perjury how punishable, ...	„	XII.		
„ Found guilty of breach of duty, how to be punished, ...	„	XIII.		
„ Breach of duty punishable under the Penal Code of 21st December 1826, how to be dealt with, ...	„	XIV.		
„ The Penal Code to continue in force as regards the breach of duty therein specified, ...	„	XV.		
„ Superintendent of Marine may summarily decide cases as before, ...	„	XVI.		
„ On the completion of the trial, proceedings to be for- warded to the Superintendent who may send them back for revision, ...	„	XVII.		

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Pilots—Sentences of the Court shall be subject to confirmation of the Government of Bengal, who may remit or mitigate the same, ...	XXIV.	XVIII.		
„ Superintendant of Marine may frame rules for conducting proceedings of the said Court, and for giving effect to the above provisions, ...	„	XIX.		
Plaints may be filed by Native Officers and Soldiers on unstamped paper—(See Native Officers and Soldiers.)				
Police Funds—(See Municipal Funds,) .....	.....	.....	.....	Bombay and Colaba.
Porter—(See Duties.)				
Privileges of Native Officers and Soldiers in legal matters —(See Native Officers.)				
Public Servants—Pensions of —(See Pensions.)				
R.				
Rajahmundry — (See Meriah Sacrifices.)				
Register— Duties of —to the Sudder Dewanny and Fouzdarry Adawlut—may be performed by the Uncovenanted Assistant Register thereof, ...	XII.	.....	.....	Bombay.
Registry—Deeds may be Registered in the Office of— in any District,.....	IV.	I.	.....	Presidency of Fort William. Registry

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Registry—How shall the Register act when the whole of the property is not situated in his District, ...	IV.	II.		
„ Party registering shall be liable to pay the Fee for the copies transmitted by the Register to any other office of,	„	III.		
„ Memorial of a Deed Registered in any District to be held sufficient, ...	„	IV.		
Regulation XI. 1826—Section 5, of—Bengal Code, repealed, —(See Law Officers.)	V.	I.	.....	Presidency of Fort William.
„ IV. of 1827, Section 75, Chapter XVII. of—Bombay Code—amended, ...	VIII.	.....	.....	Bombay.
„ XIX. of 1827, Sections 16, 27 and 28, Chapter III. of—Bombay Code, repealed, ...	XI.	I.	.....	Bombay.
„ VII. of 1832, Bengal Code, so much of Clause 4, Section 5, of—as provides for the performance of the duties of Nazirs of Moonsiffs's Courts by the Moonsiffs themselves and the levy of Tullubannah in those Courts—repealed,... (See Moonsiffs.)	XIV.	I.	.....	Presidency of Fort William.
„ XXVI. of 1814, Bengal Code, Clause 8, Section 14, of —shall be applicable to Nazirs in the Moonsiffs's Courts,	„	II.		
„ XV. of 1816, of the Bengal Code, declared to be still in				

force

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
force and made applicable to the Bombay Army, ... Regulation XXIII. of 1814, Clauses 1 and 2, Section 31, and Clause 1, Section 32 of —Bengal Code—repealed .. „ IX. of 1816, Clause 2, Section XXXIX. of—Madras Code, extended to Sessions Judges within the Madras Presidency as regards awarding fines in compensation to injured parties, .. „ I. of 1820, of the Madras Code, modified, ... „ Clauses 2 and 3, Section IV. of the above Regulation, repealed, ... (See Licences.)	XV.	I.	.....	General.
	XVII.	I.	.....	Bengal.
Revenue—Sale of Lands for Arrears of—(See Lands.)	XXX.	.....	.....	Madras.
Rum manufactured by European process within the Madras Presidency — (See Licences.)	XXXII.	.....	.....	„
	„	I.	.....	„
S.				
Sacrifice—Human—(See Meriah.)				
Sale of Lands for Arrears of Revenue—(See Lands)				
Security—for Costs in cases of Appeals—(See Appeal.)				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Security—no longer demand- able from Public Officers for costs or performance of orders of Civil Courts in Appeals conducted on behalf of Government, ...	VIII.	.....	.....	Bombay
Sessions Judges—Joint—under the Bombay Presidency— (See Joint Session Judges.)				
Sessions Judges within the Madras Presidency may award fines in compensation to injured parties, ...	XXX.	.....	.....	Madras.
Silk Piece Goods—(See Duties.)				
Soldiers—Native—Privileges of—in Judicial and Revenue Proceedings — (See Native Officers and Soldiers.)				
„ Articles of War for the Go- vernment of—(See Native Officers and Soldiers.)				
Soldiers—Pensions of — (See Pensions.)				
S. W. Frontier of Bengal—(See Meriah Sacrifices.)				
Spirits—(See Duties.)				
Spirituuous Liquors — Licenses for the Manufacture of—by European process—(See Li- censes,) .....	....	.....	.....	Madras.
„ Licences for the sale of— (See Licences,) .....	.....	.....	.....	Calcutta.
Stamp Paper not required in legal matters in which a Native Officer, or Soldier is				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
a plaintiff—(See Native Officers and Soldiers.)				
Statutes—Section 158 of 33 George 3d, Chapter 52, extended over the Islands of Bombay and Colaba, ...	XI.	II.	.....	Bombay.
Sudder Dewanny and Sudder Foujdarry Adawlut — may assign their Register's duties to their Uncovenanted Assistant Register, ... (See Uncovenanted.)	XII.	.....	.....	Bombay.
Summons—On failure to serve —Warrants may be issued by the Company's Courts to Defendants in Criminal Cases (See Warrants.)				
Supreme Court—The power of —in admitting Attorneys, extended, ... (See Attorneys.)	XIII.	.....	.....	Bombay.
„ At Madras—any one of the Judges of the—may sit apart from the other Judges for the dispatch of Criminal business at the same time when the other Judges shall be sitting, ...	XXVIII.	I.	.....	Madras.
„ May transact out of Term all business which the Court may have power to transact in Term,.....	„	II.		
T.				
Tax—(See Municipal Funds.)				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Tea—Cultivation and Manu- facture of—in Assam—(See Assam Company.)				
Term—Supreme Court at Ma- dras may transact business out of—which it may have power to transact in term— (See Supreme Court.)				
Thread—Cotton—(See Duties.)				
Tolls on certain Canals in the N. W. P.—(See Canals.)				
Transportation for Life—Con- victs under sentence of— how to be punished for com- mitting offences—(See Con- victs.)				
Tributary Mehals in Cuttack— (See Meriah Sacrifices.)				
Trinidad—Emigrants to—(See Emigrants.)				
Tullubannah in Moonsiff's Courts —(See Moonsiffs.)				
U.				
Uncovenanted Assistant Regis- ter to the Sudder Dewan- ny and Foujdarry Adawlut —may perform the duties of the Register, ...	XII.	.....	.....	Bombay.
Union Bank of Calcutta—The Secretary and Treasurer of the—to sue and be sued for and on behalf of the Bank, ...	XXIII.	I.	.....	Calcutta.

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Union Bank of Calcutta—Criminal proceedings may be carried on in the name of the Secretary or Treasurer for the time being, ...	XXIII.	II.		
„ Members or Shareholders may proceed against the—...	„	III.		
„ May proceed against its Members or Shareholders,...	„	IV.		
„ Schedules of names of Directors, Secretary, Treasurer and Proprietors, to be deposited in the Supreme Court, and the same to be done on all occasions of changes,.....	„	V.		
„ No actions can be brought by the—until a Schedule to the foregoing effect shall have been deposited—and until a Memorial of the names of Directors, &c., retiring from the Bank is deposited, they shall continue to be liable to action, ...	„	VI.		
„ A Memorial certified by Keeper of Records and Muniments shall be received in evidence, ...	„	VII.		
„ Decrees against the Secretary or Treasurer to have the same effect upon the property of the Bank as against the Members,.....	„	VIII.		
„ What course to be taken if the decree against the Secre-				

tary

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
tary or Treasurer be ineffectual for obtaining the full payment in satisfaction thereof, ...	XXIII.	IX.		
Union Bank of Calcutta—What course a Member shall take for reimbursing himself when executions may be issued against him, ...	„	X.		
„ Secretary or Treasurer may be witness in proceedings instituted by or against the Bank, ...	„	XI.		
„ Retired Members who have parted with their Shares may claim in Court any Dividends which may be due to them, and the Secretary and Treasurer may take the same course for any claim which the Bank may have against them, ...	„	XII.		
„ Persons restricted to one suit against the Bank when the same is pleadable in bar—and any suit for demands due to the Bank may be pleaded in bar of any other action for the same demand, ...	„	XIII.		
„ Responsibility and Obligations of the Bank to continue as before, ...	„	XIV.		
„ Application of the Act,.....	„	XV.		
Schedule.....	„	„		

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
V.				
Vizagapatam—(See Meriah Sa- crifices.)				
W.				
War—Articles of—(See Arti- cles.)				
Warrants—may be issued by Company's Courts for the apprehension of defendants in criminal cases on proof of failure to serve Summons, ... (See Summons.)	X.			
Wines—(See Duties.)				
Witnesses—attendance of—not within the local jurisdiction of Moonsiffs, how to be enforced by them, ... ,, Moonsiffs vested with the powers of Judges for enforc- ing the attendance of — Moonsiff's orders under this Act appealable to the Judge,	XVII.	II.	.....	Presidency of Fort William.
Woollens—(See Duties.)	„	III.		
Y.				
Yarn—Cotton—(See Duties.)				

1846/47

Civil audit

Ind. No 1709

ACT No. I. OF 1845.

*Passed by the Governor General of India in Council
on the 11th of January, 1845.*

*An Act to amend Act No. XII. of 1841, entitled “ An Act for
“ amending the Bengal Code in regard to Sales of Land for
“ Arrears of Revenue.”*

WHEREAS it is found expedient to amend the existing law for the realization of the Land Revenue :

I. It is hereby enacted, that from the last day of February 1845, the third and following Sections of Act No. XII. of 1841 are repealed.

II. And it is hereby enacted, that if the whole or a portion of a kist or instalment of any month of the era, according to which the settlement and kist bundee of any Mehal have been regulated, be unpaid on the first of the following month of such era, the sum so remaining unpaid shall be considered an arrear of Revenue.

III. And it is hereby enacted, that upon the promulgation of this Act, the Sudder Board of Revenue at Calcutta shall deter-

ACT N^o. I. OF 1845.

mine upon what dates all arrears of Revenue and all demands, which by the Regulations and Acts in force are directed to be realized in the same manner as arrears of Revenue, shall be paid up in each permanently settled District or Zillah under their jurisdiction, in default of which payment the Estates in arrear in those Districts, except as hereinafter provided, shall be sold at Public Auction, to the highest bidder. And the said Board shall give notice of the dates so fixed in the official Gazettes, and shall direct corresponding publication to be made as far as regards each District, in the language of that District, in the office of the Collector or Deputy Collector, or other Officer duly authorized to hold sales under this Act, in the Courts of the Judge, Magistrate, (or Joint Magistrate, as the case may be,) Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, and at every Thannah Station of that District; and the dates so fixed shall not be changed except by the said Board by advertisement and notifications, in the manner above described, to be issued at least three months before the close of the official year preceding that in which the new date is, or dates are, to take effect.

IV. And it is hereby enacted, that in Districts not permanently settled and in the Province of Benares no sale shall take place for arrears of Land Revenue or other demands of Government without the special sanction of the Sudder Board of Revenue previously obtained in each several case of sale. Provided, that the said Board at the time of authorizing such sale shall fix the latest day on which in each case such arrears or demands shall be received.

V. Provided always, and it is hereby enacted, that no Estates shall be sold for the recovery of arrears or demands, of
the

ACT No. I. OF 1845.

the descriptions mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand, and the latest date on which payment thereof shall be received, shall have been affixed for a period of not less than fifteen clear days preceding the date fixed for payment, according to Section III or IV of this Act as the case may be, in the office of the Collector or other Officer duly authorized to hold sales under this Act, in the Court of the Judge within whose jurisdiction the land advertised lies, in the Courts of the Principal Sudder Ameens, and Sudder Ameens of the District, and in the Moonsiff's Court and Police Thannah of the Division in which the Estate to which the notification relates, or a part of it, is situated, the same to be certified by the receipt of the Officer at whose office such notification may have been affixed; and also at the Cutcherry of the Malgoozar of the Estate, or at some conspicuous place upon the Estate, the same to be certified by the Peon or other person employed for the purpose.

First.—Arrears due from Estates in the Province of Benares.

Secondly.—Arrears due from Estates not permanently settled.

Thirdly.—Arrears other than those of the current or of the preceding year.

Fourthly.—Arrears due on account of Estates other than that to be sold.

Fifthly.—Arrears of Estates under attachment by order of any Judicial Authority.

xthly.

ACT No I. OF 1845.

Sixthly.—Arrears due on account of Tuccavee, Poolbundee or other demands not being Land Revenue, but recoverable by the same process as arrears of Land Revenue.

VI. And it is hereby enacted, that the Collector or other Officer duly authorised to hold sales under this Act shall as soon as possible after the latest day of payment fixed in the manner prescribed in Section III or IV of this Act, issue notifications in the language of the District, to be affixed in his own office and in the Court of the Judge of the District, and to be published in the official Gazettes, specifying the Estate or Estates which will be sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be less than fifteen or more than thirty clear days from the date of affixing the notification in the office of the Collector or other Officer as aforesaid. And except as hereinafter provided, all Estates, so specified shall on the day notified for sale, or on the day or days following, be put up to public Auction by and in the presence of the Collector or other Officer as aforesaid, and shall be sold to the highest bidder. And no payment, or tender of payment, made subsequent to sunset of the said latest day of payment, shall bar or interfere with the sale, either at the time of sale or after its conclusion.

VII. And it is hereby enacted, that whenever an Estate is notified for sale as provided by Section VI of this Act, the Collector or other Officer as aforesaid shall affix a proclamation in the language of the District, in his own office, and as soon thereafter as may be in the Moonsiff's Courts and Police Thannahs within which the Estate, or any part of it is situated, and also at the Cutcherry of the Malgoozar of the Estate, or at some conspicuous place upon the Estate, forbidding the ryotts and under-tenants to
pay

ACT No. I. OF 1845.

pay rent to the defaulting Proprietor or Proprietors from the date of the day after that fixed for the last day of payment, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid after the date aforesaid.

VIII. And it is hereby enacted, that no claim to abatement or remission of Revenue unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute, and unless, after application in due time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the Estate.

IX. And it is hereby enacted, that Collectors shall, at any time before sunset of the latest day of payment receive as a deposit from any party not being a proprietor of the Estate in arrear, the amount of the arrear of Revenue due from it, to be carried to the credit of the said Estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a Proprietor of the Estate. And in case the party so depositing, whose money shall have been credited to the Estate in the manner aforesaid, shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same or any part thereof, it shall be competent to the Judge of the Zillah in which such Estate is situated, to order the said party to be put into temporary possession of the

ACT No. I. OF 1845.

said Estate, subject to the rules in force for taking security in the cases of appellants and defendants. And if the party depositing whose money shall have been credited as aforesaid shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said party, which would have been endangered, or damaged by the sale of the Estate he shall be entitled to recover the amount of the deposit with interest, from the Proprietors of the said Estate.

X. And it is hereby enacted, that no Estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards, and no Estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of Revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years. And no Estate held under attachment by the Revenue Authorities, otherwise than by order of a Judicial Authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no Estate held under attachment by a Revenue Officer, in pursuance of an order of a Judicial Authority, shall be liable to sale for the recovery of arrears of Revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted, that it shall be competent to the Collector at any time before the sale of an Estate shall have commenced to exempt such Estate from sale ; and in like manner

it

ACT No. I. OF 1845.

it shall be competent to the Commissioner of Revenue at any time before the sale of an Estate shall have commenced, to exempt such Estate from sale, by a special order to the Collector to that effect in each case ; and no sale of an Estate shall be legal if held after the receipt of an order of exemption in respect to such Estate. Provided, however, and it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption ; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

XII. And it is hereby enacted, that sales shall ordinarily be made by the Collector or other Officer duly authorized by Government in that behalf in the Land Revenue Cutcherry at the Sudder Station of the District, provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such Cutcherry whenever they shall consider it beneficial to the parties concerned.

XIII. And it is hereby enacted, that in case the Collector, or other Officer as aforesaid, shall be unable from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from any cause, to complete it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his Cutcherry, and so on, from day to day, until he shall be able to commence upon, or to complete

ACT No. I. OF 1845.

plete the sale, but with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

XIV. And it is hereby enacted, that on the day of sale fixed according to Section VI of this Act, sales shall proceed in regular order; the Estate to be sold bearing the lowest number on the Towjee or registers in use in the Collector's Office of the District being put up first, and so on, in regular sequence; and it shall not be lawful for the Collector or other Officer as aforesaid to put up any Estate out of its regular order by number, except where it may be necessary to do so on default of deposit, as provided in Section XV of this Act.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an Estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale of the Estate as the Collector may think necessary, either in Cash, Bank of Bengal Notes or Post Bills, or Government Securities duly indorsed, 25 per cent. on the amount of his bid, and in default of such deposit, the Estate shall, forthwith, be put up again and sold.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the Estate bought by him took place, reckoning that day as one of the thirty; or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth: and in default of payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, the deposit shall be
forfeited

ACT No. I. OF 1845:

forfeited to Government, the Estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the Estate, or to any part of the sum for which it may subsequently be sold ; and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public Revenue, and it shall be so levied and credited to the defaulting Proprietor of the Estate sold ; and if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VI of this Act ; and that such notification shall not be issued until the expiration of three clear days after the day on which the default shall have occurred. Provided also that payment or tender of payment by or on behalf of the Proprietor of the arrear for which the Estate was first sold and of the arrear which may have subsequently become due, if such payment or tender of payment be made before sun-set of the day preceding the day of the notification of re-sale, and after the defaulting purchaser shall have made the deposit required by Section XV of this Act, shall bar such re-sale.

XVII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI, or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise : and the Commissioner shall be competent in every

ACT No. I. OF 1845.

case of appeal so preferred, to annul any sale of an Estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the Proprietor of any moderate compensation for his loss, if the sale shall have been occasioned by neglect of the Proprietor, such compensation not to exceed interest, at the current rate of Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's Office, and the order of the Commissioner shall, in such cases, be final.

XVIII. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue on the ground of hardship or injustice to suspend the passing of final orders in any case of appeal from a sale and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the Local Government to annul the sale; and the Local Government in any such case may annul the sale and cause the Estate to be restored to the Proprietor on such conditions as may appear equitable and proper.

XIX. And it is hereby enacted, that all sales of which the purchase money has been paid up as prescribed in Section XVI of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale, as the first of the said thirty days. And sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided.

XX. And

ACT No. I. OF 1845.

XX. And it is hereby enacted that immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid, shall give to the purchaser a Certificate of Title in the following form :

I certify that A. B. has purchased at Public Auction under Act No. I of 1845, Mehal C, and that his purchase has taken effect on and since the — day of — (being the date of the day after that fixed for the last day of payment.)

(Signed) D. E., *Collector.*

And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the Estate sold being vested in the person or persons named from the date specified : and the Collector shall also notify such transfer by written proclamation in his own Cutcherry, and in those of the Moonsiff and Darogah of the jurisdictions within which any part of the Estate sold shall be situated, and also at the Cutcherry of the Malgoozar of the Estate, or on some conspicuous place on the Estate ; and shall apply the purchase money first to the liquidation of all arrears due upon the latest day of payment ; and secondly, to the liquidation of all outstanding demands debited to the Muhal in the Public accounts of the District, holding the residue, if any, in deposit on account of the late recorded Proprietor or Proprietors of the Estate sold, to be paid to their receipt on demand in the manner following : to wit, in shares proportioned to their recorded interest in the Estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of Proprietors upon their joint receipt. Provided that, if prior to payment of any surplus that may remain of the purchase money after liquidation of all Government arrears and dues to the Proprietor

ACT No. I. OF 1845.

Proprietor of the Estate sold, or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the Proprietor by attachment, except under precept, and in satisfaction of decrees of Court for such debts. And if the balance of purchase money have in any such case been paid away in liquidation of the Proprietor's just debts by order of any Court, and a decree shall afterwards pass for annulling the sale, the Proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

XXI. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

XXII. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other Officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XX of this Act, and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser; with interest thereon, at the highest rate of the current Public Securities, from the dates on which they were respectively paid in to the date on which the refund is actually made.

XXIII. And it is hereby enacted, that the party certified as the Proprietor of an Estate by purchase at public sale for the recovery of arrears of Revenue shall be answerable for all instalments

ACT No. I. OF 1845.

ments of the Revenue of Government which may fall due subsequently to the *latest day of payment aforesaid*.

XXIV. And it is hereby enacted, that no sale for arrears of Revenue or other demands realizable in the same manner, made after the taking effect of this Act, shall be set aside by a Court of Justice except upon the ground of its having been made contrary to the provisions of this Act: And except the contravention thereto shall have been declared and specified in an appeal made to the Commissioner under Section XVII of this Act, and except the action in the Civil Court be instituted within one year, from the date of the sale becoming final and conclusive as provided in Section XIX of this Act: And no person shall be entitled to contest the legality of a sale after having received any portion of the purchase money: Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

XXV. And it is hereby enacted, that in the event of a sale being reversed by a final decree of a Court of Justice, the purchase money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current Public Securities.

XXVI. And it is hereby enacted, that the purchaser of an Estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled Districts of Bengal, Behar, Orissa and Benares, shall acquire the Estate free
D from

ACT No. I. OF 1845.

from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled after notice given under Section X. Regulation V. 1812, to enhance at discretion, (any thing in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said Estate, and to eject all tenants thereof, with the following exceptions:

First. Tenures which were held as Istemraree or Mocurree at a fixed rent, more than 12 years before the permanent Settlement.

Secondly. Tenures existing at the time of the Decennial Settlement, which have not been, or may not be, proved to be liable to encrease of assessment on the grounds stated in Section LI. Regulation VIII of 1793.

Thirdly. Lands held by Khood Kasht or Kudeemee Ryotts having rights of occupancy at fixed rents or at rents assessable according to fixed rules under the Regulations in force.

Fourthly. Lands held under bonâ fide leases, at fair rents, temporary or perpetual, for the erection of dwelling houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly. Farms granted in good faith at fair rents and for specified areas by a former Proprietor, for terms not exceeding twenty years, under written leases, registered within a month from
their

ACT No. I. OF 1845.

their date. Provided that a written notice, specifying full particulars of the position, rent and area of the lands, the terms of the lease and the names of the parties shall at the same time be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the Public Revenue will be materially affected thereby. The exception declared in this Clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his Office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an Estate at a sale for arrears of Revenue shall be at liberty by suit in Court to set aside all such farms although the same be under written and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

XXVII. And it is hereby enacted, that the purchaser of an Estate sold under this Act for the recovery of arrears due on account of the same in Districts other than those mentioned in Section XXVI, shall acquire the Estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryotts or the like settled or credited by the first engager or his representatives, subsequently to the last settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except bonâ fide leases of ground for the erection of dwelling
houses

ACT No. I. OF 1845.

houses, or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, water-courses, or the like purposes, which leases or engagement shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former Malgoozar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former Malgoozars from the old established rates by special favor, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the Pergunnah, Mouzah, or other local division such persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

XXVIII. And it is hereby enacted, that it shall be competent to the Local Government, when it shall seem proper at any time before a sale for arrear shall have been actually made, to direct it to be made, subject to the leases, assignments, or other encumbrances, with which a Proprietor in possession, his ancestors, or predecessors may have burthened his assessed Estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct: Provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale,

ACT No. I. OF 1845.

sale, or there shall appear ground to apprehend, that by reason of the restriction the future realization of the Revenue will be endangered, it shall be competent to the Local Government at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section XIX of this Act, to direct the sale to be cancelled, and a new sale of the Estate to be made without other restrictions than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVI of this Act. If after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an Estate purchased with a restriction of the above description, it shall at all times be competent to the Local Government to direct that the Muhal shall be sold without any other restriction than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVI of this Act, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the Local Government to direct a portion, or the whole of the excess to be paid to persons whose interests having been reserved at the first, shall become void at the second sale.

XXIX. And it is hereby enacted, that excepting Copartners of Estates under Butwarrah who may have saved their shares from sale under Sections 33 and 34, Regulation XIX. 1814, any recorded or unrecorded Proprietor or Copartner who may purchase in his own name or in the name of another the Estate of which he is Proprietor or Copartner; or who by re-purchase or otherwise may recover possession of the said Estate after it has been sold for arrears under this Act; and likewise any purchaser of

ACT No. I. OF 1845.

an Estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the Estate subject to all its encumbrances existing at the time of sale and shall not acquire any rights in respect to ryotts and under-tenants which were not possessed by the previous Proprietor at the time of the sale of the said Estate.

XXX. And it is hereby enacted, that arrears of rent which on the latest day of payment may be due to the defaulter from his tenants, shall in the event of a sale, be recoverable by him after the said latest day by any process except distraint which might have been used by him for that purpose on or before the said latest day.

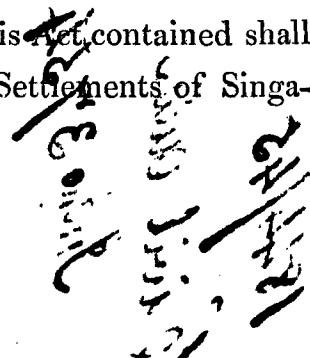
XXXI. And it is hereby enacted, that any Collector or Officer exercising the powers of Collector, in respect to sales, shall be competent to punish any contempt committed in his presence in open Cutcherry or Office for the time being, by fine, to an extent not exceeding Co.'s Rs. 200, commutable, if not paid, to imprisonment in the civil jail for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector as aforesaid, shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

XXXII. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV of this Act shall be held to be a contempt.

XXXIII. And

ACT No. I. OF 1845.

XXXIII. And it is hereby enacted, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa and Benares, now subject to the General Regulations, and to the Ceded and Conquered Provinces similarly subject to the General Regulations, under the Government of the Presidencies of Fort William in Bengal, and nothing in this Act contained shall affect land in the Town of Calcutta, or the Settlements of Singapore, Penang or Malacca.



1844/45
Civil and
Indo 3734

ACT No. II. OF 1845.

*Passed by the Right Honorable the Governor General of India
in Council on the 18th January, 1845.*

*An Act for regulating the Punishment of Adultery in the Courts of the East
India Company in the Territories, subject to the Presidency of Bombay.*

I. **I**T is hereby enacted, that whenever any person shall be convicted of the offence of Adultery by any of the Courts of the East India Company within the Territories, subject to the Presidency of Bombay, such person shall be sentenced to fine, or imprisonment, or both, at the discretion of the Court, and shall not be sentenced to any other punishment whatever, any Law or Regulation to the contrary notwithstanding.

II. And it is hereby enacted, that no person shall be admitted to prosecute any woman for Adultery other than the husband of such woman, and that no person shall be admitted to prosecute any man for Adultery other than the husband of the woman with whom such man is alleged to have committed Adultery.

1844/45

Civil audit

Indio 3926

ACT No. III. OF 1845.

*Passed by the Governor General of India in Council on the
15th February, 1845.*

*An Act vesting Courts of Appeal with the discretion to require or dispense with
Security for Costs from the Appellant.*

WHEREAS it is not now by Law necessary within the Territories subject to the Presidency of Fort William in Bengal, to take any Security for Costs in Appeals before the Sudder Courts—and whereas no Security for Costs is now required by Law in Appeals from the decisions of Moonsiffs—and whereas it is expedient that Appeals from all Courts should be put in this respect upon a uniform footing :—

It is therefore hereby enacted, that within the said Territories it shall not be necessary in any Court of Appeal of the East India Company to take any Security for Costs, but it shall be in the discretion of every such Court of Appeal to demand Security for Costs from the Appellant or not, as it shall see fit, before the Respondent is called upon to answer,—any Law or Regulation to the contrary notwithstanding.

1844/45

Civil and

Ind. 3927

ACT No. IV. OF 1845.

*Passed by the Governor General of India in Council on the
1st March, 1845.*

An Act to amend the Law regarding the Registration of Deeds.

I. **I**T is hereby enacted, that from and after the passing of this Act Deeds may be registered in any Registry Office within the Presidency of Fort William in Bengal, whether such office be in the District where the property or any part thereof to which such Deeds relate, is situated, or not.

II. Provided always, and it is hereby enacted, that when the Registry Office in which a Deed is registered is in a District in which the whole of the property to which such Deed relates is not situated, it shall be the duty of the Register of the said Office to forward to the office of the District or Districts in which the whole or any part of such property is situated, a copy of the Deed as registered and endorsed in his office, the said copies to be furnished and attested as prescribed in Clause First, Section 2, Regulation XX. 1812, and the Register of any office receiving such copy so forwarded, shall duly register the same as if it had been presented to him in the first instance by the party registering.

III. And

ACT No. IV. OF 1845.

III. And it is hereby enacted, that for every such copy required for transmission to any office as aforesaid the party registering shall pay the usual fee, and the Register receiving the same shall duly account for the same to the several Registers, to whose offices copies may be transmitted for registry.

IV. And it is hereby enacted, that a Memorial of any Deed shall be held to be duly registered according to Law, in respect to any property which may be situated in any one District, as soon as the original Deed or a copy thereof (as the case may be) shall have been registered in manner aforesaid in the Registry Office of such District whether or not a copy thereof have been registered in all or any of the other Districts, in which the property to which the Deed relates may be situated.

1844/45
Civil and
Ind. 3928

ACT No. V. OF 1845.

*Passed by the Governor General of India in Council on the
22d March, 1845.*

*An Act concerning the Examination and Appointment of Hindoo and
Mahomedan Law Officers.*

I. **I**T is hereby enacted, that Section 5, Regulation XI. of 1826, of the Bengal Code, be repealed.

II. And it is hereby enacted, that from and after the passing of this Act any person may be appointed to be a Hindoo or Mahomedan Law Officer in any of the Courts of Justice under the Presidency of Fort William in Bengal, who shall have successfully passed through such an examination as the Government of the said Presidency shall from time to time prescribe.

ACT No. VI. OF 1845.

*Passed by the Governor General of India in Council on the
5th of April, 1845.*

An Act to amend the Law regarding the issue of Commissions of the Peace.

WHEREAS it is inconvenient to issue a new General Commission of the Peace whenever the Executive Government of any of the Presidencies of Fort William in Bengal, Madras or Bombay shall nominate and appoint any persons not named in the General Commission last issued to act as Justices of the Peace—It is hereby enacted, that the Supreme Court of Judicature of each of the said Presidencies shall and may from time to time upon the order or warrant of the Executive Government of such Presidency, issue separate Commissions to any persons not named in the General Commission of the Peace last issued, who by law are capable of being appointed to the office of Justice of the Peace, and who shall be nominated and appointed by such Executive Government to act as Justices of the Peace within and for such Presidency and the places subordinate thereto, or within and for the Presidency Town. And all such Commissions shall be issued in the name of the Queen's Majesty, her Heirs and Successors, under the Seal of the Supreme Court,
and

ACT No. VI. OF 1845.

and tested in the name of the Chief Justice of such Court and shall be filed of record in the Court of Oyer and Terminer of the Presidency or place wherein and for which the same shall be issued, as Supplementary to the General Commission of the Peace last issued which shall remain in full force.

1845/46
Civil and
Indio 509

ACT No. VII. OF 1845.

*Passed by the Governor General of India in Council on the
12th of April, 1845.*

*An Act for regulating the levy of Water Rent, Tolls and Dues on certain Canals
for irrigation and navigation, constructed by Government in the North
Western Provinces, and for the protection of the said Canals from injury.*

WHEREAS numerous Canals have been constructed, and are in progress of construction at the public expense in the North Western Provinces of the Presidency of Fort William in Bengal, for the purpose of irrigation and also for navigation so far as it may be practicable to unite the two objects, and whereas it is requisite to regulate the levy of rents, tolls or dues, on such Canals, and to provide for their protection from injury—

I. It is hereby enacted, that the Lieutenant Governor of the North Western Provinces shall be competent, by proclamation to be made in the Government Gazette, to declare the Provisions of this Act applicable to any such Canal.

II. And

ACT No. VII. OF 1845.

II. And it is hereby enacted, that the said Lieutenant Governor of the North Western Provinces shall be competent to draw out rules to regulate the levy of water rent, and the supply of water for irrigation, and the payment of tolls and dues on boats, rafts or floats, and admission to the benefits of navigation on such Canals, as may be found most suitable to the peculiar circumstances of each. The rules thus drawn out shall be published for general information in the Government Gazette.

III. And it is hereby enacted, that any acts done by private individuals in contravention of the rules so published, shall be punishable either by temporary deprivation of the benefits of the Canal, or by the penalties hereinafter described.

IV. And it is hereby enacted, that all balances of water rent due for lands irrigated by the Canal shall be levied, either by temporary deprivation of the benefits of the Canal, or by the same process as is prescribed for the recovery of balances of land revenue.

V. And it is hereby enacted, that whoever wilfully causes any obstruction to any of the said Canals, or to any of the water courses drawn and supplied therefrom, or damages the banks of the Canal or the works constructed for its maintenance, or wilfully defiles the water in the Canal, shall be liable to the penalties hereinafter described.

VI. And it is hereby enacted, that all persons offending against the provisions of this Act, or of the rules passed under this Act, shall be punishable on conviction before the Magistrate by imprisonment without labor for a term not exceeding fourteen days, or fine to an amount not exceeding Fifty Rupees,

ACT No. VII. OF 1845.

Rupees, or both; and in default of payment of such fine, by additional imprisonment for fourteen days.

VII. And it is hereby enacted, that if the Owner of any boat, float, or raft, navigating any such Canal, shall refuse to pay the prescribed toll, it shall be lawful for the Officer charged with the levy of tolls on the Canal, to detain such boat, raft, or float, and if the toll be not paid, in the course of ten days, then it shall be lawful for the said Officer under the direction of the Superintendent of the Canal, on the 10th day after the seizure, to sell such property, or so much thereof as may be necessary, or to declare the whole confiscated; provided that in all such cases no confiscation shall be carried into effect till the circumstances have been reported to the Commissioner of the Division and his sanction obtained thereto.

VIII. And it is hereby enacted, that it shall be lawful for the Lieutenant Governor of the North Western Provinces to appoint Officers for the collection of the rent toll and dues, hereinbefore mentioned, and to confer on such Officer the powers of Deputy Collectors for the levy of such rent, and of Joint Magistrates for the enforcement of such penalties as have been hereinbefore specified.

1845/46
Cecil and
Audrey

ACT No. VIII. OF 1845.

*Passed by the Governor General of India in Council on the
19th of April, 1845.*

*An Act for amending Section 75 and Chap. XVII. of Regulation IV. of 1827
of the Bombay Code.*

WHEREAS it has been deemed expedient to amend Section 75 and Chapter XVII. of Regulation IV. of 1827 of the Bombay Code, under which Security for the payment of costs or the performance of the orders of a Civil Court is demanded from public Officers in cases of Appeal which are carried on under the authority and at the expense of Government:

It is hereby enacted, in modification of the Law above mentioned, that from the date of promulgation of this Act, no Security shall be demanded for the payment of costs or the performance of the orders of a Civil Court from any public Officer in cases of Appeal which are carried on under the authority and at the expense of Government in the Bombay Presidency.

1845/46

Civil and
Indio

ACT No. IX. OF 1845.

*Passed by the Governor General of India in Council on the
17th of May, 1845.*

*An Act for amending the Schedules of Import Duties annexed to Act XIV.
of 1836 to Act I. of 1838, and to Act VI. of 1844, and for repealing
Act XV. of 1844.*

I. **I**T is hereby enacted, that from and after the First day of June 1845, so much of Schedule A annexed to Act XIV. of 1836, so much of Schedule A annexed to Act I. of 1838, and so much of Schedule A annexed to Act VI. of 1844, as relates to the rates of Duty to be charged on the Goods next hereinafter specified, be repealed.

Marine Stores, the produce or manufacture of the United Kingdom or of any British Possession.

Marine Stores, the produce of any other place or country.

Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or of any British Possession.

Metals,

ACT No. IX. OF 1845.

Metals, wrought or unwrought, excepting Tin, the produce or manufacture of any other place.

Woollens, the produce or manufacture of the United Kingdom or of any British Possession.

Woollens, the produce of any other place or country.

Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of the United Kingdom or of any British Possession.

Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of any other place.

Wines and Liqueurs.

Spirits.

All manufactured Articles, not included in the enumeration contained in the said Schedules.

II. And it is hereby enacted, that from and after the said First day of June 1845, all the provisions of the three abovementioned Acts which have reference to so much of the Schedules A to those Acts respectively annexed as is repealed by this Act, shall from and after the said day be taken to have reference to the Schedule annexed to this Act, as if the Schedule annexed to this Act had been part of each of the Schedules A above mentioned.

III. And

ACT No. IX. OF 1845.

III. And it is hereby enacted, that Act XV. of 1844, entitled an Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844, be repealed.

SCHEDULE.

Rates of Duty to be charged on the following Goods imported by Sea into any Port of the Presidencies of Fort William in Bengal, Bombay or Fort St. George.

Enumeration of Goods.	When imported on British Bottoms.	When imported on Foreign Bottoms.
Marine Stores, the produce or manufacture of the United Kingdom or of any British Possession, ...	5 Per Cent. . . .	10 Per Cent.
Ditto ditto, the produce or manufacture of any other place or country, ...	10 Per Cent. . . .	20 Per Cent.
Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or of any British Possession, ...	5 Per Cent. . . .	10 Per Cent.
Metals, ditto ditto, the produce or manufacture of any other place, ...	10 Per Cent. . . .	20 Per Cent.
Woollens, the produce or manufacture of the United Kingdom or of any British Possession, ...	5 Per Cent. . . .	10 Per Cent.

Woollens,

ACT No. IX. OF 1845.

Enumeration of Goods.	When imported on British Bottoms.	When imported on For- eign Bottoms.
Woollens, the produce of any other place or country,.....	10 Per Cent. . . .	20 Per Cent.
Cotton and Silk Piece Goods, and all manufactures of Cot- ton or Silk, except Thread, Twist and Yarn, or of Cotton or Silk, mixed with any other material, the produce of the United Kingdom or of any British Possession, ...	5 Per Cent. . . .	10 Per Cent.
Ditto, the produce of any other place, ...	10 Per Cent. . . .	20 Per Cent.
Cotton Thread, Twist and Yarn, the produce of the United Kingdom or of any British Possession, ...	3½ Per Cent.. . . .	7 Per Cent.
Ditto, the produce of any other place, ...	7 Per Cent.	14 Per Cent.
Porter, Ale, Beer, Cyder and other similar fermented Li- quors, ...	5 Per Cent.	10 Per Cent.
Wines and Liqueurs, ...	1 Rupee per Im- perial Gallon,	2 Rupees per Im- perial Gallon.
Spirits, ...	1 Rupee and 8 Annas per Im- perial Gallon,	3 Rupees per Im- perial Gallon.

And

ACT No. IX. OF 1845.

Enumeration of Goods.	When imported on British Bottoms.	When imported on Foreign Bottoms.
And the Duty on Spirits shall be rateably increased as the Strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the Imperial Gallon.		
All manufactured articles, not included in the above enumeration, ...	5 Per Cent.	10 Per Cent.

1845/46

Civil and
Indio 848-

ACT No. X. OF 1845.

*Passed by the Governor General of India in Council on the
17th May 1845.*

*An Act for empowering Courts to issue Warrants in cases of failure to serve
Summons.*

IT is hereby enacted, that in the Territories subject to the Government of the East India Company, except the Local Jurisdiction of the Supreme Courts, whenever in any Criminal case a Summons to the Defendant is by Law the first process, it shall be lawful for any Court which has issued a Summons in such case, to issue a Warrant for the apprehension of the Defendant in such case upon proof that due diligence has been used to serve such Summons upon the Defendant, and that the Officer or other person whose duty it may be to serve such Summons upon the Defendant has been unable to serve such Summons; any Law or Regulation to the contrary notwithstanding.

1845/46
Civil and P
Ind. 849.

ACT No. XI. OF 1845.

*Passed by the Governor General of India in Council on the
24th of May, 1845.*

*An Act for the better collection, management and disbursement of certain Public
Funds and Monies for Police and Municipal purposes throughout the Islands
of Bombay and Colaba.*

I. **I**T is hereby enacted, that Sections 16, 27 and 28, and Chapter 3 of Regulation XIX. of 1827, of the Bombay Code, be repealed.

II. And it is hereby enacted, that the powers of Her Majesty's Justices under Section 158 of 33 Geo. 3, Chapter 52, shall be held to extend over the whole of the Islands of Bombay and Colaba.

III. And it is hereby enacted, that any person chargeable with any rate or tax on account of any Houses, Buildings or Grounds, or of any Shop or Stall, or of any Carriages, Carts or Horses, or any other matter or thing shall upon the order of any two or more Justices make a true return in writing of the annual value of all such Buildings, Houses and Grounds, and of all such Shops or Stalls, Carriages, Carts or Horses, and other matter or thing, and any person who shall refuse or neglect to deliver such return within
eight

ACT No. XI. OF 1845.

eight days after being required so to do, or shall wilfully make a false return, shall be liable to a fine not exceeding two hundred Rupees.

IV. And it is hereby enacted, that it shall be lawful for the Justices for the better identifying of any House or Building chargeable with any Assessment to cause a number to be painted or fixed upon such House or Building, and it is hereby enacted, that any person who shall obliterate, deface or destroy such number shall be liable to a fine not exceeding two hundred Rupees.

V. And it is hereby enacted—

1. That it shall be lawful for the Collector of Land Revenue of Bombay to make a Quarterly Assessment on each and every Shop and Stall within the Islands of Bombay and Colaba according to such rates as the said Governor in Council shall fix by Proclamation in the Government Gazette.

2. That the amount of such Assessment shall be collected by the Collector and received in the first instance by such person or persons as he may appoint, such Security having been given for the due discharge of the office as the said Collector may require, and the same liabilities and responsibilities as attach to individuals employed in the collection of Land Revenue of the said Presidency shall apply to all persons engaged in collecting the Tax.

3. That the Tax shall be collected quarterly, and for each payment made a receipt signed by the Collector shall be given by the person receiving the amount.

VI. And

ACT No. XI. OF 1845.

VI. And it is hereby further enacted, that all religious Edifices, all temporary Houses, Bungalows, or other temporary buildings situated within the limits of Military Cantonments and occupied by European and Native Officers, or by the Soldiers and Sepoys of Her Majesty's and the Company's Army, shall be exempted from the payment of any Assessment.

VII. And it is hereby enacted, that the several Sums of Money specified under the following heads, shall in future be disbursed in the manner provided by this Act, viz.

All Sums of Money which shall hereafter be collected under the authority of—

The Statute 33d Geo. 3, Cap. 52, Sec. 158.

Rule, Ordinance, and Regulation II. of 1812, Art. 2 and 6.

Rule, Ordinance, and Regulation II. of 1813.

Proclamation dated 23d July 1817, by the Governor in Council of Bombay, of an Order of the Court of Directors, dated 29th January 1817, made under the authority of the Charter of the Court of Requests of Bombay, dated 8th January 1753, save and except the Fees thereby made payable to the Clerk of the said Court for his own benefit.

Rule, Ordinance, and Regulation I. of 1818.

Rule, Ordinance, and Regulation II. of 1827.

Regulation XIX. of 1827, C. 2, 4, 5, and 6.

ACT No. XI. OF 1845.

Act No. XXVIII. of 1839.

And Section 5 of this Act.

All Sums of Money which shall be levied by the Court of Petty Sessions, or by the Magistrates of Police of Bombay, or by any of Her Majesty's Justices of the Peace within the Islands of Bombay and Colaba on account of any fines or penalties imposed by them for the breach of any Rule, Ordinance or Regulation, or of any Act of the Parliament of Great Britain, or of any Act of the Government of India,

All Sums of Money which shall be collected under Act V. of 1842, on the granting of any Licences for the Sale of Spirituous or other Liquors within the Town and Islands of Bombay and Colaba, after payment thereof of the expenses of such Office Establishment and of such expenses incidental thereto as may be fixed and approved by the Governor in Council of Bombay.

And all unapplied balances which at the time of the passing of this Act may be in the General Treasury to the credit of the County or Assessment Funds, or in the possession of the said Court of Petty Sessions, or of the Magistrates of Police, or any of Her Majesty's Justices of the Peace derived from any of the above enumerated sources.

VIII. And it is hereby enacted and provided, that nothing in this Act shall extend or apply to any fines imposed by the Collector of Customs of Bombay in his office and character of Collector, nor to such portion of any of the fines which the Court of Petty Sessions, or either of the Magistrates of Police may, in their discretion, order, and which they are hereby authorized to order, to be paid to any Prosecutor or his Witnesses as and for compensation for loss of time, or for costs necessarily incurred by him in prosecuting the offences

ACT No. XI. OF 1845.

offences for which such fines or penalties may have been ordered to be paid.

IX. And it is hereby enacted, that all Sums of Money which are by the said Act No. XXVIII. of 1839, ordered to be paid out of the Fund, therein called the County Fund, for the purposes in such Act specified, shall henceforth be paid out of the Fund in this Act designated the Municipal Fund.

X. And it is hereby enacted, that the several Sums of Money referred to in Section VII. of this Act, shall when collected and received, save and except so much as is otherwise provided for, be paid into the General Treasury, and form a Fund to be denominated The Municipal Fund, and such Fund shall be placed under the supervision and control of Her Majesty's Justices of the Peace in Sessions assembled, or such other persons as to the Government of Bombay may seem most fit, and that for the administering the same and carrying this Act into effect, an executive body shall be formed, which shall be denominated the Board of Conservancy, which shall be composed of Seven Members, of whom the Senior Magistrate of Police shall be Chairman, and the Collector of Bombay Ex-Officio a Member, and the other five Members shall consist of two European and three Native Resident Justices, who shall be elected by Her Majesty's Bench of Justices, or by such other persons as the Government of Bombay may appoint to supervise and control the Fund, and shall remain in office for a period of three years, when a fresh election of five other Justices to form such Board of Conservancy shall be made by the said Bench, or persons appointed for the purpose by the Government of Bombay, and so on at the end of every three years successively a like new election shall take place, but nothing shall prevent the re-election of the same Justices, or any one or more of them to form the said Board if in the discretion of the Bench, or other persons appointed to
superintend

ACT No. XI. OF 1845.

superintend and control the Municipal Fund, it shall be deemed advisable for the interests of the public, and in the event of a vacancy occurring by death or otherwise among any of the said five Members the said Bench or persons vested with the power by the Government of Bombay shall as soon as convenient elect some other Justice of the Peace to supply the said vacancy for the remainder of the three years, and until the next general election shall take place.

XI. And it is hereby enacted, that from and out of the said Municipal Fund, an Annual Sum of Rs. 45,000 shall in the first instance be deducted and paid by equal monthly instalments, and carried to the credit of the Governor in Council of Bombay in the General Treasury, to be applied by the said Governor in Council for and on account of the Expenses of the General Police throughout the Islands of Bombay and Colaba, and in the event of such expenses being at any time hereafter increased by a necessary augmentation of the Police Force, or through any other good cause, a further sum of Money, bearing the same proportion to such increased expenses of the Police aforesaid, as the sum of 45,000 bears to the present expenses of the Police aforesaid, shall be in like manner deducted and appropriated out of the said Fund.

XII. And it is hereby enacted, that after the deduction and payment of such sum of Money as aforesaid, the residue of the said Fund shall be appropriated and disbursed by the said Board under and subject to the control of Her Majesty's Justices of the Peace, or other persons appointed for that purpose by the Government, for the following purposes :

1. Defraying the expenses of the Establishments necessary for the purposes of this Act.

2. Repairing,

ACT No. XI. OF 1845.

2. Repairing, Cleaning, Draining and Lighting the Public Roads, Streets, Bridges, Tanks, Market Places and other public places of a like kind.

XIII. And it is hereby enacted, that it shall be lawful for the said Board, with the approval of Her Majesty's Justices of the Peace, or other persons vested with that power by the Government to construct any new Roads or Streets, or other Public Works, tending to the improvement of the said Islands, connected with the comfort and health of the inhabitants thereof, which in their discretion they shall deem necessary, and for that purpose to cause Estimates and Plans to be framed and to be submitted to the Governor in Council of Bombay for his sanction, but no such new Road or Street, or other Public Work, shall be constructed without such sanction of the Governor in Council first had and obtained.

XIV. And it is hereby enacted, that it shall be lawful for the said Board, with the sanction of Her Majesty's Justices of the Peace in Sessions assembled, or with the sanction of such other persons as may be vested with the control of the Municipal Fund by the Government of Bombay to nominate and appoint, subject to the approval of the Governor in Council of Bombay:

One or more Superintendents of Repairs, Clerk to the Markets, Overseers and Scavengers, and any other Officer that may be found necessary for carrying out the purposes of this Act.

And such persons shall be under the immediate orders and control of the said Board, and shall receive such Salaries to be paid out of the said Fund as the said Justices or other authorities appointed by the Government of Bombay shall fix, and the Governor in Council of Bombay shall approve.

XV. And

ACT No. XI. OF 1845.

XV. And it is hereby enacted and directed, that for better enabling the said Bench or persons empowered by the Government of Bombay to supervise and control the Municipal Fund, to ascertain the amount of fines payable to the said Fund from any of the sources aforesaid, there shall in every month be laid before them a summary of all convictions and punishments pronounced and determined by the said Court of Petty Sessions, or either of the Magistrates of Police or any Justice of the Peace respectively, during the preceding month.

XVI. And it is hereby enacted, that the sums authorized to be collected under the provisions of Chapter 4 of Regulation XIX. of 1827, shall in future be collected by such person as the Governor in Council shall appoint.

XVII. And it is hereby enacted, that the said Board shall bring to account all items of receipt, and shall as soon as practicable after 30th April of each year, render to the Governor in Council of Bombay and the Controlling Authorities, a Yearly Account of their Receipts and Disbursements under this Act, and the same shall be audited by such persons as the said Governor in Council shall appoint.

XVIII. And it is hereby enacted, that in the event of the body vested with the supervision and control of the Fund, rejecting any measure submitted for their sanction by the Conservancy Board, it shall be lawful for the said Board, if they see fit, to refer the subject to the Governor in Council of Bombay, whose decision thereon shall be final.

XIX. And it is hereby enacted, and declared that the terms "Police Fund," "County Fund" and "Assessment Fund," used in any Rule, Ordinance
or

ACT No. XI. OF 1845.

or Regulation, or in any Act of the Government of India in force in the Islands of Bombay and Colaba, shall be taken to mean the “Municipal Fund” hereinbefore described.

XX. And it is hereby enacted, that all fines imposed under this Act, the recovery of which is not otherwise specially provided, shall be recovered and levied under Act No. II. of 1839.

ACT No. XII. OF 1845.

*Passed by the Governor General of India in Council on the
7th June, 1845.*

*An Act for authorizing the employment of the Uncovenanted Assistant Register
of the Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay on
the duties of Register.*

IT is hereby enacted, that it shall be competent to the Court of Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay to assign to the office of Uncovenanted Assistant Register to the Court any duties at present performed by the Register.

ACT No. XIII. OF 1845.

*Passed by the Governor General of India in Council on the
28th June, 1845.*

*An Act for extending the power of the Supreme Court of Judicature at Bombay
in regard to the admission and enrolment of persons to act as Attorneys of the
said Court.*

WHEREAS the Supreme Court of Judicature at Madras is by Her Majesty's Charter authorized and empowered to admit and enrol such persons having been admitted Attorneys or Solicitors in one of Her Majesty's Courts at Westminster, or being otherwise capable, to act in the character of Attorneys in the said Court :

And whereas the Supreme Court of Judicature at Bombay is by Her Majesty's Charter authorized and empowered to admit and enrol only such persons having been admitted Attorneys or Solicitors in one of Her Majesty's Courts at Westminster to act in the character of Attorneys of the said Court, and is not by the said Charter authorized and empowered to admit and enrol persons otherwise capable, to act in the character aforesaid :

And

ACT No. XIII. OF 1845.

And whereas it is expedient that the Supreme Court of Judicature at Bombay should have as large a discretion in regard to the persons to be admitted as Attorneys as the Supreme Court of Judicature at Madras :

It is therefore hereby enacted, that from and after the passing of this Act the Supreme Court of Judicature at Bombay is authorized and empowered to admit and enrol persons having been admitted as Attorneys in any of Her Majesty's Courts at Westminster and also persons being otherwise capable, to act as Attorneys of the said Supreme Court of Bombay.

1845/46
Civil and S
No 1606

ACT No. XIV. OF 1845.

*Passed by the Governor General of India in Council on the
12th of July, 1845.*

An Act to provide for the appointment of Nazirs in the Moonsiffs' Courts.

I. **I**T is hereby enacted, that so much of Clause 4, Section 5, Regulation VII. of 1832 of the Bengal Code, as enacts that certain duties assigned to the Nazir of the Judge's Court, shall in the Moonsiffs' Courts be performed by the Moonsiffs themselves, and that the Tullubanaah levied in the Moonsiffs' Court shall only be three-fourths of what is levied in the Judge's Court, is repealed.

II. And it is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, the Moonsiffs shall from and after the passing of this Act retain on their Establishments Nazirs to whom the provisions of Clause 8, Section 14, Regulation XXVI. of 1814 of the said Code shall be applicable.

1845/46
Civil and
Indo 2100

ACT No. XV. OF 1845.

*Passed by the Governor General of India in Council on the
16th August, 1845.*

*An Act for declaring and enacting the privileges of Native Officers and Soldiers
of the Armies of the three Presidencies in respect of Judicial and Revenue
proceedings.*

I. **W**HEREAS doubts have arisen whether the Regulation XV. of 1816 of the Bengal Code is still in force, or how much, if any, of its provisions is still in force :

It is therefore hereby declared and enacted, that the said Regulation and every provision thereof are still in force.

II. And whereas by virtue of Regulation VIII. of 1817 of the Madras Code, the Law for the Madras Army is the same as the Law hereinbefore declared and enacted for the Bengal Army, and whereas it is expedient and just that the Law should be the same for the Bombay Army also :

It is therefore hereby enacted, that the said Regulation of the Bengal Code is extended to the Army of Bombay, except in so far as any of its provisions may be in their own nature inapplicable to that Army.

III. And

ACT No. XV. OF 1845.

III. And whereas it is just and reasonable to extend the privileges conferred upon Native Officers and Soldiers by the Regulations aforesaid in respect of exemption from Stamps in legal proceedings :

It is hereby enacted, that all the Courts of the East India Company shall receive Plaints in original Suits, not being Suits originating in Loans or in pecuniary transactions of a Commercial nature upon unstamped paper when the plaintiff is a Native Officer or Soldier in the Military Establishment of the Presidency of Fort William, Fort St. George, or Bombay.

IV. Provided that the value of any Stamp from which a plaintiff may be exempted by the last preceding Section shall be charged in the Decree on behalf of Government to the Party cast or to the Parties respectively in such proportions as may be deemed equitable.

V. And it is hereby enacted, that if any Native Officer or Soldier shall institute a Suit under this Act in which he is not bona fide interested or not interested to the extent alleged in the Plaint, for the purpose of enabling some other person to avail himself fraudulently of the advantages conferred by this Act, such Native Officer or Soldier shall be liable to a fine not exceeding five times the value of the stamped paper which the party interested would have required for the institution of the Suit otherwise than under this Act, such fine to be levied in the manner prescribed for the execution of decrees.

VI. And whereas by Section IV. of Act IV. of 1840 it is enacted, that if any party shall complain to a Magistrate or other Officer exercising the powers of a Magistrate, that he has been without authority of Law forcibly dispossessed of any Land, Premises, Water, Fisheries, Crops or other produce of Land within the jurisdiction of such Magistrate or other Officer as aforesaid, whether the same were possessed by such party as Proprietor, dependant Talookdar, Farmer, Under-Farmer, Ryot, or otherwise, the Magistrate
or

ACT No XV. OF 1845.

or other Officer as aforesaid shall require the parties complained against, and any other parties concerned to appear and make defence in person or by Agent within a reasonable time ; and if after the examination of the necessary witnesses and documents the complaint appears to him to be substantiated, he shall record a proceeding ordering the party complaining to be put again into possession of the subject of dispute and maintained in possession until the right to possession be determined by a competent Court ; provided that no such order shall be passed unless the party complaining of having been so dispossessed prefer his claim within one month from the time of such dispossession :

And whereas it is just that when the party complaining is a Native Officer or Soldier, a longer period than one month from the time of dispossession should be allowed for preferring his claim :

It is therefore hereby enacted, that so much of the above recited Section of Act IV. of 1840, as provides that no such order as is therein mentioned shall be passed unless the party complaining of having been dispossessed in the manner therein mentioned prefer his claim within one month from the time of such dispossession, is repealed so far as regards complaints preferred by Native Officers or Soldiers.

VII. And it is hereby enacted, that no such order as is mentioned in the above recited Section of Act IV. of 1840 shall be passed, when the party complaining of having been dispossessed is a Native Officer or Soldier unless such party prefer his claim within such period as may be considered by the Magistrate reasonable with reference to the distance of the party and the difficulty of communication.

1845/46
Civil and
Indno 2101

A REGULATION for expediting the trial of Civil Suits in which the native Officers and Soldiers attached to regular Corps on the Military Establishment of the Presidency of Fort William may be parties; and for giving to them certain facilities in the maintenance of their Rights, Claims and Interests.—Passed by the Governor General in Council, on the 10th June 1816; corresponding with the 29th Cheyte 1223 Bengal era; the 30th Jeyte 1223 Fussily; the 30th Jeyte 1223 Willaity; the 15th Jeyte 1873 Sumbut; and the 13th Rujub 1231 Higeree.

WHEREAS by the local distribution of the regular forces on the Military Establishment of the Presidency of Fort William, the Native Officers and Soldiers are liable to be stationed at places remote from their homes and families; and whereas the constitution and nature of the service render it generally impracticable to grant to the Native Officers and Soldiers a frequent or prolonged leave of absence from their Military duties, in consequence of which, material difficulty and embarrassment have been unavoidably experienced by them in maintaining and preserving their just rights, claims and interests; and whereas the fidelity and courage exhibited by the native Troops, in various wars on the continent of India, and the zeal and alacrity, which they have uniformly displayed in voluntarily embarking on foreign expeditions, entitle them to the favorable consideration of Government; the Governor General in Council, with the view of manifesting his sense of their good conduct, and of affording to them every facility in the maintenance of their rights, claims and interests, which can be granted consistently with a due regard to the fundamental principles established for the administration of civil justice, and for the collection of the land revenue, has enacted the following rules, to be in force from the period of their promulgation, throughout the territories immediately dependant on the presidency of Fort William.

Preamble.

II. Such parts of the regulations in force as prohibit the Courts of Civil Justice from corresponding by letter with parties in depending suits; or as direct that no pleadings shall be received in any civil cause, except from the parties or their authorized pleaders; such parts of the regulations in force as require generally, that depending causes shall be brought to trial according to the order in which they may stand on the file, and such parts of the regulations in force, as prohibit the Courts from furnishing copies of decrees, or from receiving moktarnamahs on any other paper than the prescribed stampt paper, are hereby declared to be subject to the modifications contained in the following sections of this regulation.

Provisions of certain Regulations modified.

III. *First.*—Whenever a native Officer or Soldier on the Military establishment of the presidency of Fort William may be desirous of instituting a regular or summary suit in any of the local Courts of Civil Judicature, and shall not be able to obtain a furlough or leave of absence for the purpose of superintending or conducting such suit in person, he shall be at liberty to execute a moktarnamah or power of attorney, drawn up according to the Form No. 1, in the appendix to this regulation, authorizing and appointing any member of his family or other person to institute and carry on the suit, and to perform all acts in the original trial of the cause, and eventually in appeal, in the same manner as if the party were himself personally present and consenting.

Native Officers and Soldiers may authorize any person to institute and conduct suits in which they may be a party.

Second.—Such moktarnamah shall not be required to be written on stamp paper, but shall be executed by the native Officer or Soldier in the presence of the Commanding Officer of the Corps or Detachment to which he may belong, who shall countersign the same in testimony of its having been voluntarily executed.

The moktarnamah need not be written on stamp paper.

A. D. 1816, REGULATION XV.

The above document is to be transmitted to the Register of the Court by the Commanding Officer.

Third.—The *moktarnamah* so executed is to be transmitted by the Commanding Officer under cover of a public letter drawn up in the form No. 2, of the appendix, addressed to the Register of the Court in which the suit is to be instituted; and upon the receipt of such letter, a notice shall be issued by the Court for the purpose of procuring the attendance, either personally or by a constituted *Vakeel*, of the person nominated in the *moktarnamah*.

The Judge is to communicate the inability or refusal of a *moktar*, to undertake the trust.

Fourth.—If such person shall refuse to attend the Court in person, or by a constituted *Vakeel*, or shall decline to undertake the trust, or shall subsequently die, or be prevented by any other sufficient cause from discharging the duty confided to him, the Court shall cause information of the same to be communicated to the native Officer or Soldier, by an extract from the proceedings of the Court, enclosed in an official letter to be addressed by the Register, or in his absence by the Judge, to the Commanding Officer of the Corps.

The *moktarnamah* to be filed with the Courts proceedings if accepted by the person therein nominated to superintend the cause.

Fifth.—If the person nominated and appointed in the *moktarnamah* shall attend the Court in person, or by a constituted *Vakeel*, and shall consent to undertake the duty confided to him, the original *moktarnamah* shall be deposited in the Court and annexed to the proceedings which may be held on the suit. The *moktar* or attorney, so appointed and attending, may at his option, either prosecute the suit, and conduct the pleadings in person, or may constitute for that purpose one or more of the authorized pleaders of the Court, under the provisions of Regulation XXVII. 1814. In all other respects the suit shall be instituted, tried, and determined in conformity with the general rules in force for the institution and trial of other similar suits, provided however that, when the native Officer or Soldier, who may be the real party in the suit, shall not be himself present at the time of its decision, an authenticated copy of the decree, written on unstamped paper, shall in each instance be transmitted through the Register of the Court, to the Commanding Officer of the corps or detachment, for the purpose of its being communicated to the native Officer or Soldier.

The suit is to be investigated in other respects under the general Regulations.

Sixth.—It is hereby explained, that no part of the preceding clauses, or of the subsequent provisions of this regulation, is intended to be applicable to claims originating in loans granted by a native Officer or Sepoy, or in pecuniary transactions of a commercial nature.

Rules to be observed to prevent an *ex parte* trial of a cause in which a Soldier or native Officer is defendant.

IV. *First.*—For the purpose of preventing as far as may be practicable the occurrence of *ex parte* trials in suits instituted against native Officers or Soldiers, it is hereby further enacted, that whenever a suit may be instituted in any Civil Court against a person being a native Officer or Soldier attached to a regular Corps on the Military establishment of the Hon'ble Company under the Presidency of Fort William, the plaintiff or appellant shall be required to state the same distinctly in his plaint or petition of appeal; and to specify to the best of his knowledge and belief, the corps to which such native Officer or Soldier may be attached. If the plaintiff or appellant shall be unable to specify the Corps, it shall be the duty of the Court trying the suit, to endeavour to ascertain the point by such means of inquiry as may appear practicable and expedient.

A notice in the usual form to be transmitted to the Commanding Officer.

Second.—A notice in the usual form, together with a copy of the plaint or petition of appeal on unstamped paper, enclosed in an official letter drawn up according to the Form No. 3, of the appendix, shall be then transmitted by the Register, or in his absence, by the Judge, to the Commanding Officer of the Corps, for the purpose of its being communicated to the native Officer or Soldier against whom the suit may have been instituted; a similar notice shall be issued, when omitted in the first instance, from ignorance of the defendants being a native Officer or Soldier attached to a regular Corps, if at any subsequent period during the trial of the suit, it should appear to the Court, that the defendant or respondent is a native Officer or Soldier as above described; and in cases in which the plaintiff or appellant shall wilfully and intentionally omit to state in his plaint or petition of appeal, that the defendant or respondent is a native Officer or Soldier, the Court shall

Fine to be imposed on a plaintiff or appellant in certain cases.

A. D. 1816, REGULATION XV.

impose on such plaintiff or appellant a discretionary fine not exceeding one fourth of the amount of the institution fee, or stamp duty in each case.

Third.—The Commanding Officer, after causing the notice to be served on the party to whom it is addressed, if practicable, shall return it to the Register or Judge, with the written acknowledgment of the party endorsed thereupon, together with any *moktarnamah* which the party may be desirous of executing according to the Form No. 1, in the appendix, for appointing an attorney to defend the suit in his behalf. If from any cause the notice transmitted to the Commanding Officer cannot be served upon the native Officer or Soldier, to whom it is addressed, it shall be returned by the Commanding Officer to the Register or Judge from whom it may have been received, with information of the cause which has prevented the service of it. In such case the Court shall either make a further reference with the view of causing the notice to be duly communicated to the native Officer or Sepoy, or shall adopt such other measures for that purpose as on a consideration of the circumstances of each case may appear to be proper and consistent with the regulations.

The Commanding Officer, on receipt of the notice, will cause it to be duly served.

Measures to be adopted by the Judge if the notice cannot be served.

V. *First.*—When a native Officer or Soldier may obtain a furlough for the purpose of instituting or defending a civil suit in any of the Local Courts of Civil Judicature, he shall be at liberty to request from the Commanding Officer of the Corps or Detachment, an official letter addressed to the Register of the Court in which the suit is to be tried; such letter shall be drawn up according to the Form No. 4, of the appendix to this regulation, but shall not give cover to any petition, nor contain any statement or explanation of the merits or circumstances of the case.

Rule to be observed by Commanding Officers in granting leave of absence to Soldiers and native Officers to enable them to superintend their own suits.

Second.—Such letter shall be delivered in person by the native Officer or Soldier to the Register, or in his absence to the Judge of the Court, who is hereby authorized, at the request of the party, to nominate a Vakeel of the Court for the purpose of furnishing to the native Officer or Soldier, his legal aid and advice in preparing the pleadings and in carrying on the prosecution or defence of the suit. The Register or Judge, shall at the same time cause the native Officer or Soldier to be duly apprized of the provisions contained in Regulation XXVII. 1814, and of any other regulation in force, relative to the duties, and established fees of the pleaders attached to the Civil Courts, which must of course be observed whenever a native Officer or Soldier may wish to consult or employ a pleader.

The Court authorized to nominate a Vakeel on behalf of the native Officer or Soldier.

Provisions of Regulation XXVII. 1814, to be duly attended to on such occasions.

VI.—Nothing contained in the preceding section shall be construed to prohibit a native Officer or Soldier from pleading his cause in person, or from employing any other authorized pleader of the Court, whom he may prefer, instead of the pleader nominated for him by the Court.

A native Officer or Soldier may plead his own cause or appoint his own pleader.

VII. *First.*—The Courts of Civil Judicature are hereby authorized and required to bring to hearing, without regard to the order in which they may be filed, all suits excepting those of the nature alluded to in the sixth Clause of Section 3, of this regulation, in which a native Officer or Soldier, who may have obtained leave of absence from his corps, may be a party, and to pass a decision on such suits as speedily as may be consistent with the general rules in force, and with the due administration of justice.

Suits instituted under this Regulation to be heard as soon as possible.

Second.—If the cause cannot be brought to a decision previously to the expiration of the furlough granted to such native Officer or Soldier, the Judge or Register before whom the suit may be depending, is hereby vested with a discretionary authority to grant to such native Officer or Soldier an extension of his leave of absence for a period sufficient to admit of a reference being made to the Commanding Officer of the Corps, with a view to ascertain whether the furlough can be prolonged for any further specific period. But whenever a Judge or Register may avail himself of the discretion above vested in him, he shall be careful to report the same immediately in an official letter to the Commanding Officer of the Corps to which the native Officer or Sepoy may be attached.

Mode to be adopted by the Court in the event of the expiration of the furlough before the cause be decided.

A. D. 1816 REGULATION XV.

Mode to be adopted by the Court in the event of the expiration of the furlough before the cause be decided.

Third.—In all cases in which a native Officer or Soldier may return to his corps before a final decision can be passed in his suit, he shall be at liberty either to leave the further conduct of the suit to a constituted moktar under a moktarnamah, duly executed according to the form No. 1, in the appendix to this regulation, or to one or more of the established pleaders of the Court empowered to act for him by a Regular Vakalutnamah. In either case a copy of the decree which may be passed in the suit shall be transmitted for the information of the native Officer or Soldier, in the manner prescribed in the fifth Clause of Section 3, of this Regulation:

Rules to be observed when any land or real property belonging to a Soldier or native Officer is attached.

VIII.—Whenever any land or real property belonging to a native Officer or Soldier may be attached by a Court of Justice for the purpose of realizing the amount of any judgment, fine, or penalty imposed on such native Officer or Soldier, the Court shall cause notice of the same to be issued in the manner prescribed in the second Clause of Section 4, of this Regulation, and shall postpone the sale for such definite period as may appear reasonable, for the purpose of affording an opportunity to the native Officer or Soldier to discharge the amount of the judgment, fine or penalty.

Any registered proprietor of an estate paying revenue to Government entertained as a native Officer or Soldier, may notify the same to the Collector. Duty of the Collector in such cases, and in the event of an arrear of revenue becoming due.

IX. *First.*—Any registered proprietor of an estate paying revenue to Government, who may be entertained as a native Officer or Soldier on the Military establishment, under the presidency of Fort William, shall be at liberty to notify the same in a petition to the Collector, specifying the rank which he may hold, and the designation of the corps to which he may be attached. A memorandum of such notification shall be inserted by the Collector in the public registers and accounts relative to the estate and its assessment; and in cases in which the estate, or a portion of the estate of a native Officer or Soldier who may have duly made such notification, shall become liable to public sale for the recovery of an arrear of revenue, the Collector shall address an official letter to the Commanding Officer of the Corps, drawn up in the Form prescribed in No. 5, of the appendix to this Regulation; the Collector shall enclose in such letter a written notice, signed and sealed by himself, and attested by the principal native Officer on his establishment, specifying the amount of the arrear, the date on which it became due, and requiring it to be paid at the treasury of the Collectorship within such limited period of time, as on consideration of the distance at which the corps may be stationed, and other circumstances of the case, may appear to be proper and reasonable.

Duty of the Commanding Officer on receiving from the Collector a report of such arrears.

Second.—The Commanding Officer of the Corps shall acknowledge the receipt of the Collector's letter, and shall specify the date on which the notice may have been communicated to the party, or the circumstances which may have rendered it impracticable to make such communication.

Collectors how to proceed in cases where arrears may not be discharged within a specified time.

Third.—If the native Officer or Soldier shall omit to discharge the arrear within the term specified in the notice, the Collector shall report the circumstances of the case to the Board of Revenue, or to the Board of Commissioners, or to the Commissioner in Behar and Benares respectively, transmitting at the same time a copy of the notice and of his correspondence with the Commanding Officer, and shall be guided in his further proceedings by the orders which he may receive in each case from the Board or Commissioners.

Nothing in this regulation to be construed as affecting the provisions of Regulation XX. 1810, or any modification of the latter regulation.

X. *First.*—Nothing contained in this regulation shall be construed to affect or to alter the rules and provisions of Regulation XX. 1810, or to authorize the Commanding Officer of any Corps or Detachment to correspond with the Civil Courts, or with the Collectors, regarding the merits of any judgment or order passed by them in the discharge of their official duty under the provisions of this regulation.

The provisions of this Regulation not to be considered applicable to certain descriptions of persons.

Second.—Nothing contained in this regulation shall be construed to modify, or to effect the existing rules for the trial of civil suits, in which persons who may have been discharged from the service, or who may be attached to provincial battalions, or to local irregular corps, or who may

A. D. 1816, REGULATION XV.

be camp followers, or non-combatant retainers of the army, or who may be relations or members of the family of a native Officer or Soldier, may be parties; the foregoing provisions of this regulation are to be considered as strictly and exclusively applicable to native Officers or Soldiers who may be entertained in regular Corps, and on the actual strength of the army, on the establishment of the presidency of Fort William.

XI. *First.*—The following clauses of this Section, forming the substance of general orders passed by the Vice-President in Council on the 10th April 1810, and on the 22nd of July 1814, are hereby enacted for general information.

Substance of general orders of the 10th of April 1810, and 22d of July 1814.

Second.—The Sub-Treasurer at the presidency, the Residents at Delhi and Lucknow, the Collectors of land revenue, and the Paymasters at stations subject to the presidency of Fort William, including the Paymasters who may at any time be serving beyond the territories of the Hon'ble Company, are hereby authorized to grant bills in duplicate, payable at sight, and at the usual rate of exchange, on any other treasury, for any sums which may be paid into their respective treasuries, on account of native Officers or Soldiers, who may be desirous of remitting money from one part of the country to another.

Facilities afforded to native Officers and Soldiers for the remittance of money.

Third.—Provided that in all cases in which Sicca Rupees may be paid into a treasury by a native Officer or Soldier, he shall be entitled to receive the same amount at the treasury where payment is required, without any deduction whatever.

No deduction whatever to be made.

APPENDIX.

FORM No. 1.

Whereas, I, A. B. inhabitant of village _____ Purgunnah _____ in the district of _____ son of _____ of the caste of _____ at present (here specify his rank) _____ the _____ Battalion of the _____ Regiment stationed at _____ having occasion to institute (or defend) an action for * _____ do hereby nominate and appoint C. D. † _____ to be my attorney, (or moktar,) and I bind myself to abide by whatever he the said attorney may do in my behalf in the prosecution ‡ (or defence) of the said suit.

The said attorney will either prosecute (or defend) the suit in person, or will appoint one or more of the authorized Vakeels of the Court to prosecute (or defend) the same under the instructions of the said attorney, as he may think proper. In the event of an appeal being preferred from the judgment passed in the suit, the said attorney is further hereby empowered to act for me on the appeal, in like manner as on the original suit.

(Signed) _____

Executed in my presence.

Comdg.—Detacht. or Batn. or Regt.

FORM No. 2.

To _____
Register of the Civil Court of Zillah _____

Sir,

In conformity with the third Clause of Section 3, Regulation XV. 1816, I have the honor to transmit to you a power of attorney duly executed in my presence by A. B. son of C. D. of the caste of _____ inhabitant of _____ Officer or Sepoy (as the case may be) of the _____ Battalion _____ Regiment.

I am Sir, &c.

Comdg.—Batn.—Regt.

* Here insert briefly the nature and object of the suit; and the name of the adverse party or parties.

† Here insert the name, place of residence, caste, and his relationship (if any) to the native officer.

‡ As the case may be.

A. D. 1816 REGULATION XV.

FORM No. 3.

To——

Commanding the——Battalion——Regiment.
at——

Sir,

In conformity with the second Clause of Section 4, Regulation XV. 1816, I have the honor to transmit to you the copy of a plaint filed in case No.——in this Court by——against——stated to be an Officer (or Sepoy) in the Corps under your command, together with a notice, which I request you will cause to be served on the said——you are requested to acknowledge the receipt of the notice, and to inform the Court, whether it has been duly served on the above named——, or the reasons which may have prevented its being served on him.

I am Sir, &c.

Judge.

Dewanee Adawlut.

FORM No. 4.

To——

Register——

Zillah or City or Provincial Court

Sir,

In conformity with the first Clause of Section 5, Regulation XV. 1816, I have the honor to inform you, that the bearer of this letter A. B. son of C. D. of the caste of——inhabitant of——Officer or Sepoy of the——Battalion——Regiment &c.——has obtained permission to be absent from his Corps for the period of——months, for the purpose of instituting (or defending) a suit in the Zillah, City or Provincial Court of——.

I am Sir, &c.

Comdg.——Batn.——Regt.

FORM No. 5.

To——

Commanding Officer of the——Battalion——Regiment.

Sir,

I have the honor to inform you, that the right of (A. B.) in the village (or estate) of——is about to be sold on account of arrears of public revenue for the year.

In conformity with the first Clause of Section 9, Regulation XV. 1816, I herewith enclose a written notice to be communicated to——said to be an Officer (or Sepoy) in the Corps under your command, and who is alleged to be the proprietor (or sharer) of the village or estate in question.

You are requested to acknowledge the receipt of this letter, and to furnish the information required in the 2nd Clause of Section 9, Regulation XV. 1816.

I am Sir, &c.

Judge.

Dewanee Adawlut.

(True Copy.)

W. ESCOMBE,

Secy. to Govt.

ACT No. XVI. OF 1845.

*Passed by the Governor General of India in Council on the
16th of August, 1845.*

*An Act for regulating the re-admission of Appeals after dismissal under Act
XXIX. of 1841.*

WHEREAS the Provisions of Act XXIX. of 1841 are inconveniently severe as regards Appeals and it is expedient to mitigate the strictness thereof :

I. It is therefore hereby enacted, that whenever an Appeal in any of the Courts of the East India Company in the Presidencies of Bengal or Madras, shall after the passing of this Act have been dismissed under the Provisions of the said Act XXIX. of 1841, it shall be competent to the Court which shall have dismissed such Appeal to re-admit the same if the Appellant shall make application for that purpose on the Stamp prescribed for miscellaneous Petitions, within three months after the Appeal shall have been dismissed if dismissed by the Sudder Court, and within one month after the Appeal shall have been dismissed if dismissed by any other Court, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel or by unavoidable accident.

II. And

ACT No. XVI. OF 1845.

II. And it is hereby enacted, that it shall be competent to any of the said Courts to re-admit any Appeal which may have been dismissed before the passing of this Act under the Provisions of Act XXIX. of 1841 if the Appellant shall make application for that purpose on the Stamp prescribed for miscellaneous Petitions, within three months after the passing of this Act, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel or by unavoidable accident.

III. Provided always and it is hereby enacted, that no Appeal which has been re-admitted under this Act, and again dismissed under the Provisions of Act XXIX. of 1841, shall be again re-admitted.

1845/46
Civil Audt
Ind. No 2211

ACT No. XVII. OF 1845.

*Passed by the Governor General of India in Council on the
16th of August, 1845.*

*An Act for the better enforcement of the attendance of Witnesses in the Courts of
the Moonsiffs, within the Presidency of Fort William in Bengal.*

I. **I**T is hereby enacted, that Clauses 1 and 2, Section XXXI. and Clause 1, Section XXXII. of Regulation XXIII. of 1814, of the Bengal Code, are repealed.

II. And it is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, if any Moonsiff shall require the evidence of a person not within his local jurisdiction, and such person shall not attend at the requisition of the parties, the Moonsiff shall issue the necessary process for procuring the attendance of such person and send the same to the Moonsiff within whose local jurisdiction such person is, who shall endorse such process and cause it to be duly served and executed.

III. And it is hereby enacted, that within the said Territories all powers now exercised by Zillah Judges for enforcing the attendance of any
person

ACT No. XVII. OF 1845.

person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their Courts, shall from and after the passing of this Act, be exercised by Moonsiffs for enforcing the attendance of any person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their Courts.—Provided that all orders passed by Moonsiffs under this Act shall be subject to an appeal to the Zillah or City Judge, whose decision thereon shall be final.

1845/46
Civil and
Indno 29/2

ACT No. XVIII. OF 1845.

*Passed by the Governor General of India in Council on the
23d of August, 1845.*

*An Act for the punishment of offences committed by Convicts sentenced to
imprisonment for life.*

WHEREAS it is expedient that offences committed by ~~Convicts~~ ^{offenders} sentenced to imprisonment for life, should be punished with greater severity than such offences are punished with in other cases :

1122

I. It is hereby enacted, that within the Territories subject to the Government of the East India Company, except within the local limits of the jurisdiction of the Supreme Courts, and except within the Settlements in the Straits of Malacca, any Convict sentenced to imprisonment for life, or to transportation for life who does any act with the intention of thereby causing, or with the knowledge, that he or she is likely thereby to cause the death of any person, shall, upon conviction thereof, before the Sessions Court, subject to confirmation by the Sudder Court, be punished with death, or with transportation for life, or with Corporal punishment not exceeding

ACT No. XVIII, OF 1845.

39 stripes, whether such Convict does or does not by such act cause the death of any person.

II. And it is hereby enacted, that any such Convict as aforesaid who commits any offence whatever other than the offences mentioned in the preceding Section, or who is guilty of violent or disorderly conduct after having been punished by the order of the Superintendent of the Jail, in which he or she is confined, shall, upon conviction thereof, before the Sessions Court subject, if the Sentence be transportation for life, to confirmation by the Sudder Court, be punished with transportation for life, or with Corporal punishment not exceeding 39 stripes.

1845/46
Civil audt
Indn. 2213

ACT No. XIX. OF 1845.

*Passed by the Governor General of India in Council on the
30th August, 1845.*

An Act for incorporating the Assam Company.

WHEREAS it hath been discovered, that there are in the British Province of Assam and other the North Eastern parts of India, numerous and extensive tracts of country producing the genuine Tea Plant, and it has been ascertained that the soil and climate are in all respects adapted for the cultivation of the Tea Plant on an extensive scale:

And whereas it is considered, that the cultivation and manufacture of Tea in India will be of great national importance and benefit, as well to the United Kingdom as to the British Territories in India, and the same may be advantageously prosecuted on a scale beyond the resources and enterprize of individual Capitalists, and a Society or Company hath been lately formed for the purpose of prosecuting and extending the said culture and manufacture with a Capital of Company's Rupees 50,00,000 in 10,000 Shares of Co.'s Rs. 500 each, and certain grants of land have been already made to the said Company in Assam and the North East parts of India aforesaid, and Establishments have been formed by the said Company for the purposes of the said culture and manufacture, and are now in operation:

And

ACT No. XIX. OF 1845.

And whereas the whole 10,000 Shares have been subscribed for and appropriated, and the Proprietors have actually paid up Company's Rupees 20,00,000 of the said Capital of Company's Rupees 50,00,000, and the several Subscribers are willing at their own expense to carry on the said culture and manufacture, and it would tend much to the convenience and advantage as well of the said Subscribers as of the public, that they should be incorporated in the manner hereinafter mentioned and provided :

And whereas it is considered, that there are in Assam other articles and products of indigenous growth, or to which the soil and climate are also adapted, the culture and preparation of which may be carried on with great advantage and profit by the said Company as incidental to, or in connection with their Tea cultivation and establishment, and whereas it is desirable that provision should be made for enabling the said Company if they shall think fit to avail themselves thereof, and for enabling them to increase their Capital Stock :

And whereas several of the persons hereinafter named had been appointed and acted as a Provisional Committee for the purpose of forming and establishing the said Company, and commencing the business thereof, and the said Company has since been constituted under the provisions of a Deed of Association, bearing date the 31st day of January 1840, and made between the several persons whose names are thereunder subscribed, and whose seals are thereunto affixed, (except the several persons, parties thereto of the second and third parts) of the first part, Sir William Baynes, Baronet, Richard Twining, Thomas Weeding, John Alliston, Andrew Henderson, Francis Fox and William Cracroft, therein respectively described of the second part, and Sir George Gerard de Hochipied Larpent, Baronet, John Small, Alexander Rogers, Foster Reynolds, John Travers, William Manning, William R. Robinson and Ross Donnelly Mangles, therein also respectively described, of the

ACT No. XIX. OF 1845.

the third part, and under which Deed the business of the said Company has been commenced and carried on, and whereas in such Deed provision was made for confirming the several Acts, Deeds, Matters and Things executed and performed by the Provisional Committee in that capacity :

And whereas it is expedient that like provision should be made herein, and also provision for vesting, continuing and establishing in, for, and against the Corporate Body hereby created after (and notwithstanding their Incorporation) all such property, rights, contracts and liabilities whatever as the said existing Society or Company are, or but for such Incorporation would be possessed of, entitled or liable to :

I. It is therefore hereby enacted, that James Pattle, Charles Hay Cameron, Dwarkanauth Tagore, William Prinsep, Alexander Rogers, Henry Barclay Henderson, James Prinsep, Edward Harding, James Colquhoun, James Church, Henry Chapman, John Lowis, John Farley Leith, Thomas Charles Morton, Mutty Lall Seal, William Richard Young, James Young, Archibald Sconce, Richard Walker, Henry Meredith Parker, Edward Cockburn Ravenshaw, Charles Raikes, John Storm, George Shearwood, James Charles Colebrooke Sutherland, Samuel Smith, John Deans Campbell, John Carrington Palmer, William Soltan Pillans, Prosunno Coomar Tagore, Ramanath Tagore, Cuthbert Bensley Thornhill, Thomas Scott, Thomas Sewell, Francis Dashwood, Charles Dundas Mitchell, Alexander Garroch Mackenzie, Henry Augustus Woollaston, Francis P. Mendes, William Henry Jones, Peter Innes, Robert John Lattey, Jenkins Llewelyn, John Jenkins, Arthur Pittar Lattey, Andrew Henderson, John Grant, Alexander Garden, William Cobb Hurry, Henry Holroyd, Robert Becher, Daniel Elliott, Edward Garstin, John Becher, James Cullen, Thomas Hyde Gardiner, Donald McLeod Gordon, William Henry Harton, Thomas Henry Hockley, J. M. Hill, Thomas Bracken, John Carr, Theodore Dickens, Charles Deverinne, William Pringle Downing, John Calder, Henry

ACT. No. XIX. OF 1845.

Henry Burkinyoung, Charles John Burkinyoung, Roderick Mackenzie, John Williamson Macleod, John Muller, E. Elphinstone, J. D. Mullins, Richard Bird, Alfred Parker, C. J. Pittar, Henry Piddington, George Rogers, William Rushton, James Sydney Stopford, Robert Scott Thomson, C. A. Vertannes, William Greenway, R. S. Homfray, Francis Augustin, Richard J. Chambers, Aga Mahomed Ibrahim, Bissonauth Muttyloll, Brijonauth Dhur, Doorgachurn Dhur, Additchund Dutt, Gooropersaud Bose, Gourmohun Gossain, Hadjee Mirza Mehdi Ispahanee, Luckinarain Dutt, Megnarain Roy, Muddenmohun Chatterjee, Nubkissen Sing, Nilcomol Ghose, Prawnkissen Law, Prawnkissen Bagchee, Rajah Radacant Deb, Radamadub Dutt, Ramchand Dhur, Rajchunder Mookerjee, Rajbullub Seal, Radacant Mitter, Shaik Allum Ullah, Sreecant Bannerjee, Seetanauth Bose, Woomachurn Bhose, and all other persons and corporations who have subscribed to, or shall hereafter subscribe towards the said undertaking, and their several and respective Successors, Executors, Administrators and Assigns shall be, and they are hereby united into a Company for the purposes herein declared, and shall constitute and be one Body Corporate by the name and style of the "Assam Company," and by that name shall have perpetual succession, and a Common Seal and by that name shall and may sue and be sued.

II. And it is hereby enacted, that it shall be lawful for the said Company to carry on, prosecute and extend the cultivation of the Tea Plant in the lands, which have already been granted to the said Company in Assam and the North East parts of India aforesaid, and to manufacture and dispose of the Tea the growth thereof, and generally to carry on the business of cultivating the Tea Plant, and manufacturing or preparing the same for sale and exportation, and for such purposes to take and hold or make any such grants, leases or purchases, or other acquisitions of land in perpetuity, or for any term of years as the Governor General in Council shall approve, such approval to be signified in writing under the hand of one of the Secretaries to the Government

ACT No. XIX. OF 1845.

Government of India, and if requisite to sell, dispose of and alienate the same respectively, and to form, erect and make all such establishments, buildings, works and conveniences as the said Company shall think proper, and generally to use all such other ways and means as to the said Company shall seem meet for carrying into effect the objects aforesaid; and also (if they shall deem it advisable) to engage in or prosecute the cultivation, manufacture or preparation of all and any such other products and articles as may be found expedient for, or incidental, or assistant to the production of Tea. Provided always that the said Company shall not engage in or prosecute the cultivation, manufacture or preparation of Opium, Coffee or Sugar.

III. And it is hereby enacted, that the Capital of the said Company shall consist of Company's Rupees 50,00,000, to be contributed in 10,000, Shares of Company's Rupees 500 each, which shall be the original Capital of the said Company, and of such further sum as may be raised by the creation and sale of new Shares as hereinafter provided for. Provided always that it shall and may be lawful for the said Company at any time, and from time to time to encrease the Capital of the said Company to any amount not exceeding One Crore of Company's Rupees altogether by the issue of fresh Shares of Company's Rupees 500 each upon such terms as to them shall seem fit.

IV. Provided always and it is hereby enacted, that it shall not be lawful for the said Company to raise money by way of loan to a greater amount than one-fifth of the Capital of the said Company.

V. And it is hereby enacted, that all and every the Grants of Land already made, obtained or contracted for by the said Society or Company in the names of any Directors or Director thereof, or of any person or persons, and the plantations and works made and erected thereon and the produce thereof, and all offices, warehouses, and buildings, and all articles whatsoever upon or appertain-
ing

ACT No. XIX. OF 1845

ing thereto, or used therewith, and all property, real and personal, goods, articles and things whatsoever purchased, taken, bought, grown, produced or otherwise acquired for the purposes of the said Company, and all the estate, right, title and interest whatsoever therein both at Law and in Equity to all intents and purposes shall henceforth vest in and belong to the said "Assam, Company," and their successors in their corporate capacity, and that no individual Subscriber or Shareholder thereof shall as such have or pretend to any estate, ownership or right of property therein.

VI. And it is hereby enacted, that the said Company shall have full power to make and constitute any Bye Laws, Rules and Regulations not repugnant to Law or to this Act for and relating to the government and affairs of the Company, and for the government and guidance of the Directors and Officers, and from time to time to rescind, alter and vary the same, and that the provisions of the said Deed of Association shall until duly altered or abrogated constitute and be deemed the first Bye Laws, Rules and Regulations of the said Company, and shall have and take effect as such so far and in such particulars as the same are not repugnant to Law or to this Act.

VII. Provided always and it is further enacted, that nothing herein contained shall be construed to render illegal or invalid any General or other Meeting of the said Company, or of the managing body thereof, or any election, resolution, or other proceeding whatsoever held, made or passed thereat by reason of the same being held in pursuance of the said Bye Laws, Rules and Regulations so contained in the said Deed of Association.

VIII. And it is hereby enacted, that a General Meeting of the said Company shall be held at the principal office or place of business of the said Company at Calcutta twice at the least in every year and oftener, when and if need shall be, the time of holding which periodical Meetings, and the form,
and

ACT No. XIX. OF 1845.

and mode of requisition for holding special or extraordinary Meetings, and of advertizing and giving notice thereof respectively shall be settled and determined by Bye Law or Rule of the said Company. And that at all such General Meetings, whether periodical or special, every Proprietor holding 5 Shares and less than 20 Shares, shall be entitled to 1 vote, 20 and less than 50 Shares, to 2 votes ; 50 and less than 100 Shares to 3 votes, 100 Shares and upwards, to 4 votes, but that no Proprietor shall be entitled to vote who shall not hold at least 5 Shares, provided, however, that except as to the present Proprietors of the said Company and the Shares now held by them only the Shares in respect of which any Proprietor shall claim to vote shall have been held for such period of time as is or shall be required by Bye Law of the said Company, provided always and it is hereby enacted that votes given by proxy according to any Bye Law, Rule or Regulation of the said Company shall be deemed to be as valid and effectual as if given in person.

IX. And it is hereby enacted, that at such periodical Meetings as aforesaid, the Books and Accounts of the said Company shall be produced and exhibited for the inspection, examination and approval of the Subscribers or Shareholders at large, and that at each of such periodical Meetings there shall be produced and presented by the Directors, or other Officers of the said Company for the time being a true account in abstract and balance sheet shewing the whole of the receipts and disbursements and operations of the said Company commencing from the date of their next preceding periodical Meeting and Account brought down to the date of holding such periodical Meeting at which the same shall be produced, or as near thereto as conveniently may be, and that such abstract account and balance sheet when examined, approved or passed by such or any subsequent Meeting shall immediately be published in the Government Gazette of Calcutta, and in two public Newspapers of general circulation at Calcutta aforesaid.

X. And

ACT No. XIX. OF 1845.

X. And it is hereby enacted, that all payments already made on account of the Shares subscribed for in the said Company shall be deemed valid and effectual payments, and are hereby acknowledged and confirmed.

XI. And it is hereby enacted, that a Certificate signed by three Directors of the said Company shall be delivered to every Proprietor or Shareholder of the said Company, and that any Share of the said Company shall be transferable by indorsement made on the Certificate representing such Share or Shares respectively by the holder thereof, provided that such indorsement shall specify the name of the party to whom such transfer is made ; Provided always that no such indorsement shall be effectual to transfer any Share or Shares until the transfer shall have been registered in a registry to be kept for that purpose at the Principal Office in Calcutta of the said Company, and until a note of such registration and of the date thereof shall have been made on the back of the indorsed Certificate under the hand of the Secretary of the said Company for the time being, or of such other Officer as shall be appointed by the said Company for that purpose

XII. And it is hereby enacted, that the Shares of and in the said Company shall, as between the several Proprietors thereof, and their real and personal representatives, and all other persons claiming under them, be deemed to be personal Estate to all intents and purposes whatsoever, and be transmitted and transmissible and disposed of accordingly.

XIII. And it is hereby enacted, that for the purpose of satisfying any demands upon the said Company, or for the purpose of raising any further Capital that shall become requisite for the purposes aforesaid, the several Subscribers or Shareholders shall pay up the whole or any part of the unpaid amount of their respective Shares by instalments to be called for by such persons in such manner, and to be paid at such times and places and manner as shall be appointed

ACT No. XIX. OF 1845.

appointed for that purpose by any Bye Law or Regulation of the said Company.

XIV. And it is hereby enacted, that it shall be lawful for the said Company by Bye Law or Rule to provide that if any such instalment be not paid on or before the day fixed for the payment thereof, interest after any legal rate to be appointed by such Bye Law or Rule shall be paid upon such instalment from such day up to the day when the same shall be actually paid, and the amount of any such call with interest shall be a debt due to the said Company, and it shall be lawful for the said Company in like manner to make any provision or provisions for the forfeiture of any Share or Shares on the non-payment of any such instalment and interest or the restoration of any forfeited Share or Shares. Provided that no such forfeiture shall be incurred until after default shall have been made for at least three calendar months.

XV. And it is hereby enacted, that the said Company shall have the benefit of and shall be bound by all the Contracts, Acts, Deeds, Matters and Things which up to the passing of this Act have been done, executed and performed by the Provisional Committee, or the Partnership Association constituted under the said Deed of the 31st January 1840, and hitherto known as the Assam Company for the purpose of forming and establishing the said Company, or by, or with their or any of their order, direction or sanction in regard thereto, or to the business, or the funds, or property thereof, or in any wise relating thereto. And the said Company shall and may in manner hereinmentioned and provided in that behalf, sue and be sued thereon, and in respect thereof, and shall have and be subject to the like rights and liabilities in respect thereof, as the said Partnership Association or the Members thereof would have been.

XVI. And

ACT No. XIX. OF 1845.

XVI. And it is hereby enacted, that a copy of the Original Deed of Association of the said Company, and copies of all Rules, Orders, Bye Laws, Regulations or Proceedings of the said Company, or other Instruments whatsoever, whereby any change shall at any time be made by the authority of the said Company in the provisions of the said Original Deed of Settlement shall be kept at the Office of the said Company in Calcutta, and shall there be open to the inspection of all persons during the usual hours of business of the said Office, and a copy of such Original Deed of Settlement, and a copy of each such Rule, Order, Bye Law, Regulation, Proceeding or Instrument as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such Rule, Order, Bye Law, Regulation, Proceeding or Instrument hereafter to be made, in the Office of the Prothonotary of the Supreme Court of Judicature at Fort William aforesaid, and shall be there filed, and be and remain open to the inspection of all persons during the usual hours of such Office, and an examined copy of each such filed copy as aforesaid certified by and under the hand of the Prothonotary for the time being of the said Supreme Court shall be good and sufficient evidence of each such Original Deed, Rule, Order, Bye Law, Regulation, Proceeding or Instrument in all Actions, Suits and Proceedings whatsoever, whether Civil or Criminal, to be had in any Court of Justice, or before any Magistrate or other Officer whether acting judicially, or in any proceeding preliminary to a judicial enquiry throughout the Territories for which the Governor General in Council has power to legislate.

XVII. And it is hereby enacted, that the said Company shall cause the name of each and every Director of the said Company, and also the name and proper official description of each and every Officer of the said Company, and of every person acting and officiating for the time being as such Officer to be entered in a book to be kept at the said Principal Office in Calcutta of the said Company, to be there open to the inspection of all persons during
the

ACT No. XIX. OF 1845.

the usual hours of business of the said Office, and shall also within six months from the time of passing this Act cause a Memorial of the said names and descriptions respectively to be enrolled in the said Office of the Prothonotary of the said Court, and a fresh Memorial thereof to be from time to time enrolled as often as any change or changes shall be made or take place either in the Direction aforesaid or in any of the said Offices.

XVIII. And it is hereby further enacted, that the said Company shall cause the names, places of residence, and descriptions of the business, profession or employment of the Proprietors of Shares in the said Capital Stock, and the number of Shares held by each Proprietor, to be registered in a book and numbered in a regular consecutive series beginning with No. 1, and such book shall be kept at the said Office in Calcutta of the said Company, and shall there be open to the inspection of all persons during the usual hours of business, and each successive transfer or change of Ownership in any Share or Shares shall be entered in the manner above mentioned with the like particulars above mentioned in the said book, and against the original entry of such Share or Shares shall be entered a note of every such change of Ownership or transfer, with a sufficient reference to the place or places in such book wherein is or are made the entry or entries of the name or names, place or places of residence and descriptions of the Proprietor or Proprietors to whom or in whose favor such transfer or change, transfers or changes shall have been made or had from time to time as aforesaid.

XIX. And it is hereby enacted, that the said Company shall sue and be sued, and described in and by its said corporate name and not otherwise in all proceedings whatsoever, whether Civil or of a Penal or Criminal character, and whether the same be the proceedings of any Court, or of any Magistrate or other Officer executing any enquiry either preliminary to, or in the nature of a judicial investigation or enquiry, and shall for all purposes of jurisdiction be
capable

ACT No. XIX. OF 1845.

capable of suing and proceeding, and be liable to be sued and proceeded against in its said corporate name, character and capacity in and before any such Court, Magistrate or Officer within any of the Territories for which the Governor General in Council has power to legislate in respect of all matters and things over which such Court, Magistrate or Officer respectively may have jurisdiction, and to the extent of such jurisdiction in like manner as the same may for the time being be there had by or against any British subject or subjects within the said Territories ; Provided always that no process or proceedings whatsoever whether of a mesne or judicial nature shall be had against the person or property of any individual Members, Shareholders or Subscribers of the said Company either for the purpose of giving notice of any suit or proceeding, or of effecting any appearance to any suit or proceeding, or of obtaining payment or satisfaction of any debt, claim or demand against the said Company, or of levying any fine or penalty awarded against the said Company, or of obtaining payment or satisfaction of any judgment, decree, award, order or determination against the said Company, or for any the like purpose, but that all such process and proceedings of what nature soever shall be had solely against the Corporate Stock, Property and Effects of the said Company.

XX. And it is hereby enacted, that all services of mesne process, and all notices whatsoever which by law, or by the practice of any Court wherein the said Company shall sue or be sued, are required to be served or given for the purpose of compelling or causing an appearance to be entered in any suit, or for enabling a proceeding to be had *ex parte* in the absence of a party to a suit or previously to the institution of any suit or proceedings, or for any other purpose whatsoever connected with or having reference to the continuation, conduct or prosecution of any suit, or the revival of the same, or which shall at any time be directed to be given by any such Court to the said Company in reference to any proceedings therein pending shall and may be made and given in addition to all ways and means by which the same may otherwise be

ACT No. XIX. OF 1845.

be legally made or given upon, or to the Secretary for the time being of the said Company resident in Calcutta, or the person or persons acting and officiating as such, or by leaving the same addressed to the said Secretary or person acting and officiating as such at the said Principal Office in Calcutta of the said Company.

XXI. And it is hereby enacted, that this Act shall continue in force until the 30th day of April, 1854.

1845/46

Civil and

Ind no 2367

211

ACT No. XX. OF 1845.

*Passed by the Governor General of India in Council on the
6th of September, 1845.*

*An Act providing Articles of War for the Government of the Native Officers
and Soldiers in the Military Service of the East India Company.*

WHEREAS by an Act passed in the third and fourth years of the reign of His Majesty King William the Fourth, intituled an Act for effecting an arrangement with the East India Company and for the better government of His Majesty's Indian Territories till the Thirtieth day of April, One Thousand Eight Hundred and Fifty-four, it was amongst other things enacted, that it should be lawful for the Governor General of India in Council, from time to time, to make Articles of War for the government of the Native Officers and Soldiers in the Military Service of the Company, and for the administration of justice by Courts Martial to be holden on such Officers and Soldiers, and such Articles of War from time to time to repeal or vary and amend, and that such Articles of War should be made and taken notice of in the same manner as all other the Laws and Regulations to be made by the said Governor General under the said Act, and should prevail and be in force and should be of exclusive authority over all the Native Officers and Soldiers in the said Military Service, to whatever Presidency such Officers and Soldiers might belong or wheresoever they might be serving: provided nevertheless that until such

ACT No. XX. OF 1845.

Articles of War should be made by the said Governor General in Council, any Articles of War for or relating to the government of the Company's Native Forces, which at the time of the said Act coming into operation should be in force and use in any part or parts of the Territories under the Government of the said Company should remain in force:

It is hereby enacted, in pursuance of the above recited authority, that the following Articles of War shall, from and after the Seventh day of October, 1845, be the Articles of War for the government of the said Native Officers and Soldiers in the Military Service of the said Company, and for the administration of justice by Courts Martial to be holden on such Officers and Soldiers.

ARTICLES OF WAR.

SECTION I.

Of Inlisting and Discharges.

ARTICLE 1.

Every Recruit, prior to being enrolled in his Regiment, shall have the First Four Articles of the Second Section of these Articles of War read and explained to him, after which such Declaration as is now used, if any, in the respective Presidencies, shall be made to him by the Officer Commanding, in front of the Regiment or Corps, in presence of the Native Officers and Soldiers, and an oath or declaration shall then be required from him, according to the forms of his religion, such oath and declaration to be the like as are now used in the respective Presidencies.

* ARTICLE 2.

ACT No. XX. OF 1845.

* ARTICLE 2.

No Commissioned Officer shall be dismissed except by the Sentence of a General Court Martial. No Non-Commissioned Officer or Soldier shall be discharged as a punishment except by the Sentence of a Court Martial, or by order of the Commander in Chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to pension. Provided that no Sentence of discharge awarded by a Court Martial inferior to General shall be carried into effect without the concurrence of the Commander in Chief, or the General or other Officer Commanding the Division, Field Force, District or Brigade, in which the Prisoner may be serving. Provided also, that the Governor General in Council in his executive capacity, and the Governor in Council of any Presidency to which a Commissioned or Non-Commissioned Officer or Soldier may belong, shall have power to order his dismissal or discharge.

ARTICLE 3.

All Non-Commissioned Officers and Soldiers discharged the Service, shall be furnished by the Commanding Officer of the Regiment with a Discharge Certificate, made out in the Vernacular Language of the individual discharged, with an English Translation, expressing the authority for, and cause of, such discharge, and the period of his entire Service in the Army.

* ARTICLE 4.

No Non-Commissioned Officer or Soldier shall enlist himself in any other Regiment without a regular discharge from his former Regiment, under the penalty of being reputed a Deserter, and suffering accordingly.

SECTION II.

ACT No. XX. OF 1845.

SECTION II.

Crimes and Punishment.

Crimes punishable with death, transportation, corporal punishment, imprisonment or dismissal.

ARTICLE 5.

Any Officer, or Soldier, who shall begin, excite, cause, or join in any Mutiny or Sedition in the Regiment or Corps to which he belongs, or in any other Corps or Regiment whatsoever, on any pretence whatever; or who, being present at any Mutiny or Sedition, shall not use his utmost endeavours to suppress it; or who, coming to the knowledge of any Mutiny, intended Mutiny, or concealed combination against the State, shall not without delay give information thereof to his Commanding Officer; — or

ARTICLE 6.

Who shall strike his Superior Officer, or shall draw or offer to draw, or lift up any weapon, or use or offer any violence, against him; whether on or off duty, and under all circumstances in which his Superior Officer may be distinguishable as such in any manner; — or

ARTICLE 7.

Who shall disobey any lawful Command of his Superior Officer; — or

ARTICLE 8.

Who shall desert from the East India Company's Service, (whether or not he shall re-enter or re-enlist in the same;) — or

ARTICLE 9.

ACT No. XX. OF 1845.

ARTICLE 9.

Who being a Sentry, in time of War or alarm, shall sleep upon his post, or shall leave it before regularly relieved or without leave; — or

ARTICLE 10.

Who shall shamefully abandon or deliver up any Garrison, Fortress, Post or Guard, committed to his charge, or which it was his duty to defend; or who shall use means to induce any other Officer or Soldier so to abandon or deliver up any such Garrison, Fortress, Post or Guard; — or

ARTICLE 11.

Who shall treacherously make known the watchword to any person not entitled to receive it, according to the Rules and Discipline of War; — or

ARTICLE 12.

Who shall hold correspondence with or give intelligence to the Enemy or any person in arms against the State, either directly or indirectly; or who, coming to the knowledge of such correspondence or communication, shall not discover it immediately to the Commanding Officer; — or

ARTICLE 13.

Who shall directly or indirectly assist or relieve the Enemy, or persons in arms against the State, with money, victuals or ammunition; or shall knowingly harbour or protect any Enemy or Person in arms against the State; — or

ACT No. XX. OF 1845.

ARTICLE 14.

Who shall treacherously release, wilfully aid, or connive at the escape of any Enemy or Person in arms against the State, placed as a Prisoner under his charge ; — or

ARTICLE 15.

Who shall misbehave himself before the Enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave; — or

ARTICLE 16.

Who shall in presence of an Enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition; — or

ARTICLE 17.

Who shall leave his Commanding Officer, or his Post, or Colours, or Party, in time of action, to go in search of Plunder; — or

ARTICLE 18.

Who in time of War shall do violence to any person bringing provisions or other necessaries to the Camp or Quarters of the Forces ; or shall force a Safeguard ; or break into any house, or other place for plunder ; or plunder fields or gardens or other property ; — or

ARTICLE 19.

Who in time of War shall by discharging Fire Arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms, in Action, Camp, Garrison or Quarters ; — or

ARTICLE 20.

ACT No. XX. OF 1845.

ARTICLE 20.

Who shall without proper authority release any State Prisoner, or through carelessness or neglect shall suffer any such Prisoner to escape ;
— or

ARTICLE 21.

Who, being a Sentry placed over any State Prisoner, or over Treasure, or over a Magazine or Dock Yard, shall quit his Post without being regularly relieved or without leave, or shall sleep upon his Post ; —

Shall, if an Officer, on conviction, suffer Death, or Transportation for life, or be dismissed the service.

And, if a Soldier, shall, on conviction, suffer Death, or Transportation for life ; or imprisonment with or without hard labour, for life or for any term of years : and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement ; or shall suffer Corporal Punishment ; or dismissal from the Service ; as by a General Court Martial shall be awarded.

Crimes not punishable with Death or Transportation.

ARTICLE 22.

Any Officer or Soldier who shall in operations in the field, spread Reports by Words or Letters calculated to create unnecessary alarm in the Troops, or in the vicinity, or in rear of the Army ; — or

ARTICLE 23.

ACT No. XX. OF 1845.

ARTICLE 23.

Who shall, in Action or previously to going into Action, use words tending to create Alarm or Despondency ; — or

ARTICLE 24.

Who shall be drunk when on or for duty or on Parade or on the Line of March ; — or

ARTICLE 25.

Any Soldier who shall be grossly insubordinate or insolent in the Ranks; or grossly insubordinate and violent in the presence of a Court Martial;

Shall, if an Officer, on conviction, be sentenced to be dismissed the Service, or to be suspended from Rank and Pay and Allowances ;

And, if a Soldier, shall on conviction before a General, or District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be Sentenced to Death, or Transportation, or Imprisonment with Hard Labour.

ARTICLE 26.

Any Officer who shall behave in a manner unbecoming the character of an Officer ; (the fact or facts whereon the charge is grounded being clearly specified therein;) — or

ARTICLE 27.

ACT No. XX. OF 1845.

ARTICLE 27.

Any Officer or Soldier, who being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by competent authority; — or

ARTICLE 28.

Who shall advice or persuade any other Officer or Soldier to desert, or who shall connive at such desertion; or who shall knowingly receive and entertain any Deserter, and shall not immediately on discovery give notice to his Superior Officer; or shall not cause such Deserter to be apprehended by the Civil Power; — or

ARTICLE 29.

Who shall obtain or attempt to obtain for himself, or for any Officer or Soldier, or for any other person whatsoever, any Pension or Allowance, by any false Statement, Certificate or Document, or by the omission of the true Statement, or Certificate, or Document; — or

ARTICLE 30.

Who shall knowingly make a false Return or Report, to any his Superior Officer authorized to call for a Return or Report, of the state of the men under his Command, or of Arms, Ammunition, Clothing or other Stores thereunto belonging, or of which he may have charge; — or

ARTICLE 31.

Who shall malingering, feign, or intentionally produce disease or infirmity; or intentionally delay his cure; or intentionally aggravate his disease or infirmity; — or

ACT No. XX. OF 1845.

ARTICLE 32.

Who, at any post, or on the march, shall illegally and against the will of the parties extort money or property of any description, as fees or duties, or on any pretence whatever ; or shall, without authority, exact from Villagers or others, carriage, portorage, or provisions ; — or

ARTICLE 33.

Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of other persons ; — or

ARTICLE 34.

Who shall, without orders, commit any waste, or spoil, or plunder, or shall injure or destroy any property ; — or

ARTICLE 35.

Any Soldier who shall, contrary to orders, when off duty, appear in or about Camp or Cantonments, or on occasion of visiting Towns or Bazzars, carrying a sword, bludgeon, or other weapon ; — or

ARTICLE 36.

Who shall sell, pawn, or designedly, or through neglect, lose or injure his horse, arms, clothes, accoutrements, or regimental necessaries ; or any of the above articles entrusted or belonging to any other Soldier ; —

Shall, if an Officer, on conviction, be sentenced to be Dismissed the Service, or to be Suspended from Rank and Pay and Allowances.

And,

ACT No. XX. OF 1845.

And, if a Soldier, shall, on conviction before a General, District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided that such Offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Crimes punishable with Fine or loss of Pay, in addition to other Punishments.

ARTICLE 37.

Any Officer, or Soldier, who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any Military purpose ; or any Provisions, Forage, Arms, Clothing, Ammunition, or Military Stores, of whatever kind or description, the property of Government, entrusted to his charge ; or who shall wilfully spoil such property or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication ; —

Shall, on conviction before a General Court Martial, be dismissed the service, and fined to the extent of his arrears of Pay and Allowances ; and be further liable to suffer imprisonment with or without hard labour for a term which may extend to three years, and with or without solitary confinement to be regulated as aforesaid.

ARTICLE 38.

Any Soldier who shall be guilty of *disgraceful conduct* ;

In wilfully maiming or injuring himself, or any other Soldier at the instance of such Soldier, with intent to render himself or such Soldier unfit for the Service, or with intent to take his own life ; — or

ARTICLE 39.

ACT No. XX. OF 1845.

ARTICLE 39.

In purloining or selling Government Stores ; — or

ARTICLE 40.

In stealing money or goods, the property of a Soldier, or of a Military Officer, or of any Military Mess, or of any person or persons belonging to or serving with or attached to the Army ; — or

ARTICLE 41.

In embezzling or fraudulently misapplying public money entrusted to him for any Military purpose ; — or

ARTICLE 42.

In committing any petty offence of a fraudulent nature, to the injury of or with intent to injure any person, Civil or Military ; — or

ARTICLE 43.

Who shall be guilty of any other *disgraceful conduct*, being of a cruel, indecent, or unnatural kind ;

Shall, on conviction before a General, or District, or Garrison Court Martial, be liable to suffer such punishments as any such Courts are by these Articles of War respectively empowered to award for *disgraceful conduct*.

And every such offender shall, if not dismissed the service, further be put under stoppages, by sentence of the Court, not exceeding half of his monthly Pay and Allowances ; until the amount be made good of any loss or damage arising out of his misconduct.

And

ACT No. XX. OF 1845.

And if such offender shall be dismissed the service, he shall further be sentenced to forfeit his arrears of Pay and Allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes not punishable with Corporal Punishment or Imprisonment with Labor.

ARTICLE 44.

Any Officer, or Non-Commissioned Officer who shall strike or otherwise illtreat any Soldier ; — or

ARTICLE 45.

Any Sentry who in time of peace shall sleep upon his Post, or shall leave it before regularly relieved or without leave ; — or

ARTICLE 46.

Any Officer, or Soldier, who shall knowingly enlist a Deserter, or connive at his enlistment ; — or

ARTICLE 47.

Who directly or indirectly shall require or accept a bribe, present, or gratification, on the pretence of or as a consideration for procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier. — or

ARTICLE 48.

Who, being in Command at any Post, or on the march, on complaint made to him of any person under his command beating or otherwise illtreating

D

any

ACT No. XX. OF 1845.

any person ; or extorting from him more than he is obliged to furnish by authority , or disturbing fairs or markets, or committing any kind of riot ; shall not see reparation done to the party or parties injured ; or, if that be impracticable, shall not report the same to his Superior Officer ; — or

ARTICLE 49.

Who being in Command of a Guard, shall refuse to receive any Prisoner duly committed to his charge ; or shall without proper authority release any prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape ; — or

ARTICLE 50.

Who shall quit his Guard or Picquet in time of peace, without being regularly relieved, or without leave ; — or

ARTICLE 51.

Who shall impede the Provost Marshal, or his Assistants, or any other Officer or person legally exercising authority ; — or refuse to assist him when requiring his aid in the execution of his duty ; — or

ARTICLE 52.

Who, being on leave of absence, shall have received information from the Head Quarters of his Regiment, or from other competent authority, that his Regiment has been ordered on service, and shall not rejoin without delay ; — or

ARTICLE 53.

ACT No. XX. OF 1845.

ARTICLE 53.

Who in time of peace shall, by discharging fire arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in Camp, Garrison, or Cantonments ; — or

ARTICLE 54.

Who shall fail to repair at the time fixed to the parade, or place appointed, for exercise or duty if not prevented by sickness or some other sufficient cause ; — or

ARTICLE 55.

Who shall, without urgent necessity, or without leave of his superior Officer, quit his Company or Troop or the Parade ; — or

ARTICLE 56.

Who shall absent himself without leave ; or shall, without sufficient cause, overstay the period for which leave may have been granted him ; — or

ARTICLE 57.

Any Soldier who shall be found two miles from the Camp contrary to orders ; — or

ARTICLE 58.

Who shall, contrary to orders, be absent from his Cantonment after tatoo, or from Camp after retreat beating ; — or

ARTICLE 59.

ACT No. XX. OF 1845.

ARTICLE 59.

Who shall sell, lose, or designedly, or through neglect, waste the ammunition delivered out to him ;

Shall, if an Officer, on conviction, be sentenced to suspension from Rank and Pay and Allowances ; or to be Reprimanded in such manner as the Commander in Chief may direct ;

And, if a Soldier, shall, on conviction before a General, or District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martial are by these Articles of War respectively empowered to award ;

Provided that such offender shall not be liable to be sentenced to suffer Corporal Punishment or Imprisonment with Hard Labour.

ARTICLE 60.

All crimes not capital, and all disorders or neglects which Officers or Soldiers may be guilty of, to the prejudice of good order and Military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the Sentence of a General, or District, or Garrison, or Regimental Court Martial ; provided that a Soldier shall not for any such offences be liable to be sentenced to suffer Corporal Punishment or Imprisonment with Hard Labour.

Crimes incident to Courts Martial.

ARTICLE 61.

Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or
to

ACT No. XX. OF 1845.

to make affirmation, or to answer any lawful question; or who shall induce any other person so to offend;

Shall be punished according to the Sentence of the same or another Court Martial, with Dismissal or Suspension from Rank and Pay and Allowances, if a Commissioned Officer; with Dismissal or reduction to the ranks if a Non-Commissioned Officer; or with Dismissal or imprisonment, if a Soldier;

Provided that such person, being a Commissioned Officer, shall not be liable to be punished by any but a General Court Martial; and that no offender punished under the provision of this Article of War shall be sentenced to suffer Imprisonment with hard labour, or Corporal Punishment.

ARTICLE 62.

Any person not amenable to these Articles of War, who, having been summoned upon any Court Martial, shall refuse or neglect to attend, or who attending shall refuse to be sworn, or to make affirmation, or to answer any lawful question, or shall give such testimony as, if given in a Criminal Court, would render him guilty of perjury; or who shall induce any other person so to offend;—

Shall be delivered to a Magistrate to be proceeded against according to law.

ARTICLE 63.

Any person using menacing or disrespectful words, signs, or gestures, in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings; —

E

Shall

ACT No. XX. OF 1845.

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the sentence of the same or another Court Martial, if he be amenable to these Articles of War ; provided that such offender shall not be liable to be sentenced to Corporal Punishment or to Imprisonment with hard labor ; And if not amenable to these Articles of War, the offender shall be delivered over to a Magistrate to be proceeded against according to law.

ARTICLE 64.

Any Officer, or Soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General, or other Court Martial, or any Military Court entitled to administer an oath ; or of inducing any other person so to offend ;—

Shall be dismissed the service, and shall be further subject to fine to the amount of his arrears of Pay and Allowances, or to Imprisonment which may extend to three years ;—according to the Sentence of a General, or District, or Garrison Court Martial.

Crimes admitting of less serious notice.

ARTICLE 65.

Whereas it may be advisable that some of the offences which by the foregoing Articles are directed to be tried by a General, or District, or Garrison Court Martial, should, in certain cases which admit of less serious notice, be tried by District, or Garrison, or Regimental Courts Martial respectively, —in such cases the Officer Commanding the Regiment or Corps to which the offender belongs shall lay a particular statement of the case before the
General

ACT No. XX. OF 1845.

General or other Officer having authority to convene General, or District, or Garrison Courts Martial, under whose command such offender may be serving, with an application so to proceed; and such General or other Officer will exercise his discretion in complying or not with such application; but the permission of such General or other Officer so to proceed, shall be entered upon the proceedings at the trial of such offender.

Provided that MUTINY shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated “Disgraceful Conduct” in these Articles of War, and admitting of less serious notice, shall be permitted to be tried by Regimental Courts Martial, the term Disgraceful Conduct shall be omitted in the Charge.

Offences on the Line of March or on board Vessels.

ARTICLE 66.

For offences committed on the Line of March, or on board any Ship or other Vessel, the Officer in command of the Troops is hereby authorized to try any Soldier by a Regimental, or Detachment Court Martial, and to confirm and execute the Sentence and in all cases of Mutiny or Gross Insubordination to carry the Sentence into execution on the spot; —

Provided that such Sentence shall in no case exceed that which a Regimental Court Martial is competent to award;—and that the proceedings held in all such cases shall be specially reported for the information of the Commander in Chief.

SECTION III.

ACT No. XX. OF 1845.

SECTION III.

Administration of Justice.

ARTICLE 67.

Whenever any Officer or Soldier shall commit a crime deserving punishment by Court Martial, he shall, by his Commanding Officer, be put under arrest, if an Officer ; or if a Soldier, be confined ; until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority ; and no Officer or Soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement or an attempt to effect such process, shall in no case be omitted where it may be practicable ;—but where resistance may be made, or from other circumstances such process may be impracticable, the offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

ARTICLE 68.

No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed *more than three years* previous to the order directing the assembly of the Court Martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period ; in which case such person shall be liable to be tried, at any time not exceeding *two years* after the impediment shall have ceased.

ARTICLE 69.

ACT No. XX. OF 1845.

ARTICLE 69.

Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place within the British Territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ARTICLE 70.

The Commander in Chief at the Presidencies of Fort William, Fort Saint George, and Bombay respectively for the time being, may appoint General or other Courts Martial, and confirm, mitigate, or remit the Sentences of such Courts; and may issue his Warrant to any General or other Officer having the Command of a Body of Troops in the service of Her Majesty or of the East India Company, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of offences committed by any of the Officers or Soldiers or Followers in the service of the said Company, being Natives of the East Indies, or of other places within the limits of the said Company's Charter, and to confirm mitigate, or remit the Sentences of such Courts Martial.

ARTICLE 71.

A General Court Martial shall not consist of less than *thirteen* Commissioned Officers, unless it be held out of the East India Company's Territories, where such Court Martial may consist of *seven* Commissioned Officers, if a greater number cannot be conveniently assembled. And no sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander in Chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

ACT No. XX. OF 1845.

Powers of a General Court Martial.

* ARTICLE 72.

A General Court Martial may sentence any Officer or Soldier to Death or Transportation, for any crimes which are by these Articles of War expressly made liable to sentence of Death or Transportation, and for such crimes only.

And when a Commissioned Officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such Officer to be dismissed the service ;—or to be suspended from rank and pay and allowances, for a stated period ;—or to be placed lower on the list of his rank, by an alteration of the date of his Commission, thereby losing the corresponding benefit of length of service ; and the Court shall in every such sentence specify the extent or degree of suspension or reduction, which they shall so adjudge ;—or the Court may sentence such Officer to be reprimanded in such manner as the Commander in Chief may direct.

And a General Court Martial may sentence any Non-Commissioned Officer to be reduced to the ranks ;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed the service ;—or to be placed lower in the list of the rank which he holds ;—or may sentence any Soldier to suffer Corporal Punishment not exceeding *Two Hundred Lashes* ;—or Imprisonment with or without hard labour not exceeding *two years* ;—and to be kept in solitary confinement for any portion or portions of such Imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement, of not less duration than such periods of solitary confinement.

And

ACT No. XX. OF 1845.

And a General Court Martial may, in addition either to Corporal punishment or to Imprisonment as aforesaid, sentence a Soldier to forfeiture of all advantage as to additional Pay and to Pension on discharge, which might have otherwise accrued from the length or nature of his former service; or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct*.

And a General Court Martial may, in addition to the punishment of dismissal, sentence any Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct;— And in addition to any punishment not involving dismissal from the service, may sentence any Officer or Soldier to be put under stoppages not exceeding two-thirds of his Pay and Allowances in the case of an Officer, and not exceeding half of his Pay and Allowances in the case of a Non-Commissioned Officer or Soldier, until the amount of such loss or damage be made good.

Confirmation and Commutation of Sentence by the Commander in Chief.

ARTICLE 73.

In cases wherein a Sentence of *Death* shall have been awarded by General Court Martial, for any offence against discipline for which sentence of Death is awardable under these Articles of War, the Commander in Chief may confirm such Sentence and cause it to be carried into effect, or may, instead of causing such Sentence to be carried into effect, order the offender, if an Officer, to be Transported for life, or to be dismissed, and if a Soldier to be Transported for life, or to be Imprisoned with or without Hard Labour either for life, or for a certain term of years, and with or without Solitary Confinement, to be regulated as aforesaid, as to the Commander in Chief may seem meet.

In

ACT No. XX. OF 1845.

In cases of Commissioned Officers Sentenced to *Transportation*, the Commander in Chief may in lieu thereof order the offender to be dismissed. And in cases of Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such Punishment direct, that the offender be suspended from Rank and Pay and Allowances for a certain period, to be distinctly specified by the Commander in Chief.

And the Commander in Chief may commute a Sentence of *Transportation* passed on a Soldier, to Imprisonment with or without Hard Labour, and with or without Solitary Confinement to be regulated as aforesaid ; and such Imprisonment may be either for the same period for which Transportation shall have been awarded, or for any lesser period.

And the Commander in Chief may commute a Sentence of *Corporal Punishment* to Dismissal from the service ; or, in the case of a Non-Commissioned Officer may mitigate such Sentence to reduction to the ranks ; or in the case of a Non-Commissioned Officer or Soldier may commute such Sentence to Imprisonment without Hard Labour, and with or without Solitary Confinement (to be regulated as aforesaid,) for any period not exceeding *two years*, if the sentence shall exceed *one hundred and fifty lashes* ; not exceeding *one year* if it shall exceed *one hundred lashes* ; and not exceeding *six months* if it shall be *less than one hundred lashes* ;—but the term of such commuted Imprisonment may be for any lesser periods respectively, at the discretion of the Commander in Chief.

In cases of Non-Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such punishment, direct that the offender be reduced to the ranks, or placed lower in the list of the rank which he holds.

And in cases of offenders Sentenced to *Imprisonment with Hard Labour*, the Commander in Chief may mitigate such Sentence by causing the offender

to

ACT No. XX. OF 1845.

to be reduced to the ranks, in the case of a Non-Commissioned Officer ; or in the case of a Non-Commissioned Officer or Soldier by directing that he be dismissed from the service ; or suffer Imprisonment without Hard Labour, and with or without Solitary Confinement, (to be regulated as aforesaid), for any period not exceeding that for which he shall have been Sentenced to such Imprisonment with Hard Labour.

ARTICLE 74.

A District, or Garrison Court Martial shall consist of not less than *Seven* Commissioned Officers, except in situations where that number cannot be conveniently assembled, when such Court may consist of not less than *Five* Commissioned Officers. And such District, or Garrison Court Martial may be composed of Officers of the same Regiment, and shall be assembled in conformity with the orders of the Commander in Chief.

And the Sentence of a District, or Garrison Court Martial shall be confirmed by the Commander in Chief, or by some Officer duly authorized to confirm the same.

Commutation of Sentence.

And the Commander in Chief is empowered to remit or mitigate or commute the Sentences of such Courts Martial, in the same manner as the Sentences of General Courts Martial; and to delegate or withhold the power to Commanding Officers of convening such Courts Martial, and of confirming, remitting, mitigating or commuting the Sentences of such Courts (*not including forfeiture of Pay or Pension or other advantage,*) as the Commander in Chief may deem to be most expedient.

And in case of any Sentence, including forfeiture of additional Pay or of Pension on Discharge, or of any prospective advantage, such Sentence shall not be carried into effect until confirmed by the Commander in Chief;

ACT No. XX. OF 1845.

and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of a District or Garrison Court Martial.

* ARTICLE 75.

A District or Garrison Court Martial may Sentence any Non-Commissioned Officer to be reduced to the ranks,—or may Sentence any Non-Commissioned Officer or Soldier to be dismissed from the Service ; or to be placed lower in the list of the rank which he holds ; or may Sentence any Soldier to suffer Corporal Punishment not exceeding *one hundred and fifty lashes* ; or Imprisonment with or without Hard Labour not exceeding *One Year*, and to be kept in Solitary Confinement to be regulated as aforesaid.

And such Court Martial may, in addition either to Corporal Punishment or to Imprisonment as aforesaid, Sentence a Soldier to forfeiture of all advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct*.

And such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct ; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 76.

ACT No. XX. OF 1845.

ARTICLE 76.

A Regimental Court Martial shall consist of not less than *Five* Commissioned Officers, (unless it be found impracticable to assemble that number, when *Three* may be sufficient :) and shall be assembled by order of the Officer Commanding the Regiment. And no Sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Provided that such Commanding Officer shall have power to remit all Sentences whatever passed by such Court, and thereupon to cause the offender to be released and to return to his duty.

Commutation of Sentence.

And such Commanding Officer shall have power to mitigate all Sentences whatever passed by such Court; and to commute a Sentence of *Corporal Punishment* to Imprisonment without Hard Labour, and with or without Solitary Confinement, to be regulated as aforesaid, for any period for which such Court is competent to Sentence an offender to suffer Imprisonment and in the same manner; and to mitigate a Sentence of *Dismissal* in the case of a Non-Commissioned Officer, to Reduction to the Ranks;— and to commute a Sentence of *Imprisonment with Hard Labour*, or with *Solitary Confinement*, or both, to Dismissal; or to mitigate such Sentence to Reduction to the Ranks; or to Imprisonment without Hard Labour.

But no Sentence of *Corporal Punishment*, or of *Imprisonment with Hard Labour*, passed by a Regimental Court Martial and confirmed in full by such Commanding Officer, or confirmed and mitigated by him; and no Sentence of *Dismissal* confirmed, and no commutation of Dismissal for Imprisonment made as aforesaid, by such Commanding Officer, shall be carried into effect, without the sanction and authority of the Officer Commanding the Division or Field Force or District or Brigade, (being the Senior Officer on the spot) in which the Regiment may be serving; who is hereby empowered to cause such sentence to be inflicted in accordance with the confirmation thereof in
full

ACT No. XX. OF 1845.

full or in mitigated degree by the Officer Commanding the Regiment, or such Dismissal to be carried into effect, or to direct the release of the offender and his return to duty as he may deem expedient.

Provided that in detached situations, or when on service in the field, the Officer Commanding the Regiment shall have power to carry into effect any Sentence of a Regimental Court Martial, in cases where an immediate example is necessary and reference cannot be had to superior authority without detriment to the service.

Powers of a Regimental Court Martial.

* ARTICLE 77.

A Regimental Court Martial may sentence any Non-Commissioned Officer to be reduced to the ranks ;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed from the service,—or to be placed lower in the list of the rank which he holds—or may Sentence any Soldier to suffer Corporal Punishment not exceeding *one hundred lashes* ; or Imprisonment, with or without hard labour, for any period not exceeding *six calendar months* ; and to be kept in solitary confinement to be regulated as aforesaid.

Any such Court Martial may, in addition to the punishment of dismissal Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct ; and in addition to any punishment not involving dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 78.

An Officer Commanding any Detachment of his own Regiment, may assemble Regimental Detachment Courts Martial ;—and an Officer Commanding

ACT No. XX. OF 1845.

manding a Detachment consisting of men of different Corps, may assemble Detachment or Line Courts Martial ;—and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in Regiments, shall be taken to apply to Courts Martial held in Detachments, in all practicable cases.

Provided that no Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the offender belongs, or by the nearest superior Officer holding a Command of not less than a Regiment ;—(who is hereby authorized to confirm the same, in like manner, as an Officer Commanding a Regiment is empowered to do, and with the same restrictions ;)—Except in cases where an *immediate example* is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the Service.

ARTICLE 79.

At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the Prisoner be found guilty, and Imprisonment form a part of the Sentence, no portion of the Imprisonment should be Solitary ;—or, should Corporal Punishment be awardable to the offender, that it shall not be awarded in the particular case ; and the Court will govern itself accordingly.

Execution of Sentences of Courts Martial.

ARTICLE 80.

In every sentence of death awarded by a General Court Martial, the Court shall specify that the offender shall “ suffer death by being hanged by

H

the

ACT No. XX. OF 1845.

the neck until he be dead,” or “by being shot to death,” as the Court in their discretion shall deem expedient ; and such sentence if confirmed, shall be carried into effect accordingly.

ARTICLE 81.

Whenever the sentence of a General Court Martial shall adjudge transportation, or sentence of death shall be commuted by competent authority to transportation, any of the Sudder Courts shall give effect to such sentence or commuted sentence, on the same being certified to the Court under the authority of the Commander in Chief.

And whenever any sentence of a Court Martial shall adjudge imprisonment with labour, or with solitary confinement, or both, or whenever the sentence of a Court Martial shall be commuted to any such imprisonment, it shall be the duty of every Judge, Magistrate, Sheriff, or other Officer in charge of a Jail, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the Officer Commanding the Division, Field Force, District, or Brigade, within which the trial is held.

ARTICLE 82.

Whenever any Soldier shall be sentenced to imprisonment for life, or a sentence of death shall be commuted to imprisonment for life, it shall be lawful for the Commander in Chief to order such offender to be transported beyond sea for life, unless there should be special reasons inducing the Commander in Chief to think such prisoner not a proper subject for transportation.

ARTICLE 83.

Persons sentenced to imprisonment by Courts Martial shall be imprisoned in any public prison or in any other fit place which the Commander in Chief shall from time to time direct.

ARTICLE 84.

ACT No. XX. OF 1845.

ARTICLE 84.

Every Soldier sentenced to imprisonment with hard labour, shall previous to undergoing such punishment be struck off the strength of his Corps from the date of confirmation of such sentence; and no Soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

ARTICLE 85.

Offenders sentenced to dismissal for *disgraceful conduct* ;

And offenders subject to Corporal Punishment or to imprisonment with hard labour for *disgraceful conduct* shall, on any such sentence being confirmed, be dismissed with ignominy.

ARTICLE 86.

In every case wherein a fine or stoppages shall be adjudged by a Court Martial, any arrears of pay or public money due to the offender, shall be available under an order from the Commander in Chief, for the payment of the amount so adjudged.

And no Soldier sentenced to pay a fine or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence for any period exceeding one year; and no Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his Pay and Allowances, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his Pay and Allowances.

Forms of Proceeding.

ARTICLE 87.

Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

ARTICLE 88.

ACT No. XX. OF 1845.

the neck until he be dead," or "by being shot to death," as the Court in their discretion shall deem expedient ; and such sentence if confirmed, shall be carried into effect accordingly.

ARTICLE 81.

Whenever the sentence of a General Court Martial shall adjudge transportation, or sentence of death shall be commuted by competent authority to transportation, any of the Sudder Courts shall give effect to such sentence or commuted sentence, on the same being certified to the Court under the authority of the Commander in Chief.

And whenever any sentence of a Court Martial shall adjudge imprisonment with labour, or with solitary confinement, or both, or whenever the sentence of a Court Martial shall be commuted to any such imprisonment, it shall be the duty of every Judge, Magistrate, Sheriff, or other Officer in charge of a Jail, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the Officer Commanding the Division, Field Force, District, or Brigade, within which the trial is held.

ARTICLE 82.

Whenever any Soldier shall be sentenced to imprisonment for life, or a sentence of death shall be commuted to imprisonment for life, it shall be lawful for the Commander in Chief to order such offender to be transported beyond sea for life, unless there should be special reasons inducing the Commander in Chief to think such prisoner not a proper subject for transportation.

ARTICLE 83.

Persons sentenced to imprisonment by Courts Martial shall be imprisoned in any public prison or in any other fit place which the Commander in Chief shall from time to time direct.

ARTICLE 84.

ACT No. XX. OF 1845.

ARTICLE 84.

Every Soldier sentenced to imprisonment with hard labour, shall previous to undergoing such punishment be struck off the strength of his Corps from the date of confirmation of such sentence; and no Soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

ARTICLE 85.

Offenders sentenced to dismissal for *disgraceful conduct* ;

And offenders subject to Corporal Punishment or to imprisonment with hard labour for *disgraceful conduct* shall, on any such sentence being confirmed, be dismissed with ignominy.

ARTICLE 86.

In every case wherein a fine or stoppages shall be adjudged by a Court Martial, any arrears of pay or public money due to the offender, shall be available under an order from the Commander in Chief, for the payment of the amount so adjudged.

And no Soldier sentenced to pay a fine or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence for any period exceeding one year; and no Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his Pay and Allowances, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his Pay and Allowances.

Forms of Proceeding.

ARTICLE 87.

Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

ARTICLE 88.

ACT No. XX. OF 1845.

ARTICLE 88.

At General Courts Martial a Judge Advocate, or an European Officer of not less than ten years service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, an European Officer of not less than four years standing in the service, except in cases where no Officer or that standing may be available, or the Adjutant of the Regiment, shall be appointed to conduct the proceedings.

ARTICLE 89.

An Interpreter shall be appointed to all Courts Martial; and any Interpreter available at the Station where the Court Martial may sit shall be appointed as occasion may require by the Officer Commanding at such Station, on application from the Judge Advocate or Superintending Officer at such Court Martial. But in situations where the services of an Interpreter are not available, the Superintending Officer at the Court Martial shall perform the duty of Interpreter.

ARTICLE 90.

At all Courts Martial the Senior Officer shall sit as President without being so appointed by Warrant. Provided that all Subadar Majors are to take precedence according to the dates of their Commissions, and above all Native Officers holding the rank of Subadar or Jemadar; and that Sirdar Bahadoors and Bahadoors shall rank only according to their respective Commissions of Subadar Major, Subadar, or Jemadar. Rissaldars will take rank with Subadars, and Naib Rissaldars with Jemadars, according to the dates of their respective Commissions.

In case of the death or unavoidable absence of the President, the next Senior Member shall take the place of President, and the trial shall proceed,
provided

ACT No. XX. OF 1845.

provided that the Court shall still consist of at least the number of Members of which such Court is directed to consist by these Articles of War.

ARTICLE 91.

No Finding or Sentence of a Court Martial shall be revised more than once, and no Evidence shall be received on such revision. For the purpose of such revision the President and all the Members shall be convened if possible. But if any of them should be unavoidably absent, the remaining Members may proceed with such revision, provided they are not fewer than the smallest number directed in these Articles respectively. When all the same Members do not meet, the circumstances are to be duly certified on the face of the proceedings.

Manner of Voting.

ARTICLE 92.

All the Members of a Court Martial are to preserve order, and in giving their votes upon all matters are to begin with the youngest; and in all cases where a sentence of death may not be awarded, the decision shall be by the majority of Members present, provided the number of Members present be not less than that required by the preceding Articles; but in case of an equality of votes, the decision shall be in favor of the prisoner; the President at a Court Martial shall vote with the other Members, but shall have no casting vote. Provided, that in cases of an equality of votes upon other questions than the finding and the sentence, the President shall have a casting vote.

ARTICLE 93.

No sentence of death shall be given against any offender by a Court Martial, unless two-thirds of the Members present concur therein, or four where the Court consist of five Members, or five where the Court consist of seven.

ACT No. XX. OF 1845.

Affirmations.

ARTICLE 94.

On the assembly of a Court Martial, the Judge Advocate or Superintending European Officer shall administer to the Interpreter the following Solemn Affirmation :

“ I, A. B., solemnly affirm in the presence of Almighty God, that I
“ will faithfully interpret and translate the proceedings of the Court, and that
“ I will not divulge the sentence until it shall have been published by authority ; and further, that I will not disclose or discover the vote or opinion
“ of any particular Member of the Court unless required to give evidence
“ thereof by a Court of Justice or Court Martial, in due course of Law.”

In case of the unavoidable absence of an Interpreter, the European Superintending Officer of a Court Martial inferior to General, shall make the Solemn Affirmation prescribed for the Interpreter.

The Judge Advocate or Superintending Officer shall then cause the following Solemn Affirmation to be made by each Member :

“ I, A. B., solemnly affirm in the presence of Almighty God, that I will
“ duly administer justice according to the Articles of War, without partiality, favour, or affection, and, if any doubt shall arise, then, according to my
“ conscience, the best of my understanding, and the custom of War in the
“ like cases, and that I will not divulge the sentence of the Court until it
“ shall be published by authority ; and further, that I will not disclose
“ or discover the vote or opinion of any particular Member of the Court,
“ unless required to give evidence thereof by a Court of Justice or a Court
“ Martial in due course of Law.”

The following Solemn Affirmation shall then be administered by the Interpreter to the Judge Advocate or Superintending Officer :

I, A. B.,

ACT No. XX. OF 1845.

“ I, A. B., solemnly affirm in the presence of Almighty God, that I will
“ not upon any account whatsoever disclose or discover the vote or opinion
“ of any particular Member of the Court Martial, unless required to give
“ evidence thereof as a witness by a Court of Justice, or a Court Martial in
“ due course of law, and that I will not, unless it be necessary for the due
“ discharge of my official duties disclose the sentence of the Court, until it
“ shall be published by authority.”

Provided, that it shall be necessary to re-administer these Solemn Affirmations on the commencement of fresh trials before the same Court.

ARTICLE 95.

All persons who give evidence at a Court Martial are to be examined on Oath according to the forms of their respective religions or on affirmation—and persons of the Hindoo or Mahomedan persuasion shall make Affirmation to the following effect :

“ I solemnly affirm, in the presence of Almighty God, that what I shall
“ state shall be the truth, the whole truth, and nothing but the truth.”

And if any person making such affirmation as aforesaid, shall wilfully and falsely state any matter or thing which if the same had been sworn would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amenable to these Articles.

ARTICLE 96.

In all cases where persons required as witnesses before a Court Martial, may not be amenable to Military Law, the Judge Advocate or Commanding Officer shall transmit to the Magistrate within whose jurisdiction the witness
may

ACT No. XX. OF 1845.

may reside, his summons for the attendance of such person, and the Magistrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshal.

ARTICLE 97.

For the prompt and instant repression of all irregularities and crimes which may be committed by Troops in the Field and on the Line of March, Provosts Marshal shall be appointed by the Commander in Chief, and their Powers shall be regulated according to the established Usages of War and Rules of the Service; their duties are to take charge of Prisoners confined for offences of a general description; to preserve good Order and Discipline; to prevent Breaches of both, by Soldiers and Followers of the Army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing Breaches of good Order and Military Discipline; Provided, that the punishment be limited to the necessity of the case, and shall accord with the orders which the Provosts may from time to time receive from the Commander of the Forces in the Field, and whatever may be the crime, the Provost Marshal or his Assistant shall see the offender commit the act, for which summary punishment may be inflicted, or if the Provost Marshal or his Assistant should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a Report shall be made to the Commander of the Army in the field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good Order and Military Discipline. The duties of Provosts Marshal being limited to the punishment of offenders whom they may detect in the actual commission of any crime, the General Commanding the Forces in the Field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the Discipline of the East India Company's Army and the Public Service.

Trials

ACT No. XX. OF 1845.

Trials by European Courts Martial.

ARTICLE 98.

At any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right to claim to be tried by European Officers; and should he make such claim, the Court, whether General, or District, or Regimental, shall be composed of European Commissioned Officers, and the number of Members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor General of India in Council by a General Order to authorize the Native Troops of any of the Presidencies to claim to be tried in like manner by European Courts Martial.

SECTION IV

Effects of the Dead.

* ARTICLE 99.

When any Officer or Soldier, or any person receiving public pay drawn by any Officer in charge of a Public Department belonging to the Army, may die, or be killed in the service, the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, shall, if no Heir or Executor be present, secure his Effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the office of the Adjutant, or Officer in charge of the Department.

* ARTICLE 100

If there be no Heir or Executor on the spot, the Effects are to be publicly sold; the Commanding Officer of the Regiment, or Party, or Officer in

ACT No. XX. OF 1845.

charge of the Department, after discharging the debts of the deceased, viz. the expense of Funeral Ceremonies, his Debts in Camp or Quarters, and Regimental Debts of every description, shall account for the residue to the Heir or Heirs declared by Will, whether written or verbal, or nominated in the Regimental Register, or in failure of such to the legal representative of the deceased ; and in the event of no Executor, Heir, or other representative of the deceased attending and establishing his claim within twelve months from the date of the casualty, the amount in the hands of the Officer having charge of the Estate, is to be remitted to the General Treasury at the Presidency.

SECTION V.

Miscellaneous.

ARTICLE 101.

The Effects of Deserters are to be publicly sold, and the proceeds after payment of Regimental Debts, remitted by the Officer Commanding the Corps to which the Deserter belongs, to the General Treasury at the Presidency.

ARTICLE 102.

All powers and provisions contained in these Articles relating to the Commander in Chief, shall be construed to extend to the Commander in Chief at any Presidency, and to the Officer Commanding the Forces for the time being at any Presidency, unless when otherwise provided.

All powers and provisions contained in these Articles relating to Soldiers, shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

ARTICLE 103.

When any portion of the Troops belonging to one Presidency shall be serving within the limits of another Presidency, such Troops shall be considered

ACT No. XX. OF 1845.

dered as placed, during such service, under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such Presidency. Provided always that it shall be lawful for the Governor General in Council in his executive capacity, to direct that the Troops, or any part thereof of any Presidency, whilst serving without the limits of such Presidency shall continue under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency to which they belong, for all purposes of these Articles.

ARTICLE 104

Any Officer Commanding any portion of the East India Company's Troops which may at any time be serving in any place out of Her Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or of the Territories of those States in alliance with the said Company in which the said Company's Forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's Army, being under the immediate Command of any such Officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three Officers at the least, for the purpose of trying any such person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts Martial; and every such Court Martial shall have the same powers in regard to summoning and examining witnesses, trial of, and sentence upon any such offenders as are granted by these Articles to General Courts Martial; provided that no sentence of any such Court Martial shall

ACT No. XX. OF 1845.

shall be executed until the General Commanding in Chief the Army to which the Division, Brigade, Detachment, or Party to which any person so tried, convicted and adjudged to suffer punishment shall belong, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District, or Garrison Court Martial, in which case the Officer by whom the Court is convened is hereby authorized to confirm or commute or mitigate or remit the same; reporting the proceedings to the said General Commanding in Chief.

ARTICLE 105.

General Courts Martial only shall have the power to try Commissioned Officers; or to pass Sentence of Death or Transportation on any offenders.

ARTICLE 106.

No person, being acquitted or convicted before a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided always, that after a Soldier shall have been found guilty by a Court Martial of any military offence, such Court Martial shall inquire into and receive evidence of any previous conviction of such Soldier before a Court Martial or a Court of Justice, and shall enquire into the *general* character of such Soldier; for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided that no such evidence shall in any case be received until the Court shall have ascertained that such Soldier had previously to his trial received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all Soldiers previous to trial.

* ARTICLE 107.

No Non-Commissioned Officer shall be reduced to the ranks but by the sentence of a Court Martial, or by order of the Commander in Chief of the Presidency

ACT No. XX. OF 1845.

Presidency to which the offender shall belong. Provided that no Non-Commissioned Officer shall be reduced to the ranks for any limited period ; nor suspended from his rank ; nor reduced from a higher to a lower grade of Non-Commissioned Officer ; nor sentenced to suffer Corporal Punishment or Imprisonment, without being first reduced to the ranks.

* ARTICLE 108.

Any Officer or Soldier thinking himself wronged by his Superior or other Officer, is to complain thereof to the Commanding Officer of his Troop or Company, by whom if the grievance be not redressed, such Officer, Non-Commissioned Officer, or Soldier, may complain to the Commanding Officer of his Regiment, who is hereby required to examine into such complaint, or remit it to his superior authority as the circumstances may require ; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a General or other Court Martial in manner hereinbefore mentioned ; provided that such offender shall not be liable to be sentenced to dismissal nor to suffer Corporal Punishment or Imprisonment with hard labour.

ARTICLE 109.

In case of light offences, a Commanding Officer may without the intervention of a Court Martial, award extra drill with or without pack for a period not exceeding fifteen days ; restriction to Barrack limits not exceeding fifteen days ; confinement in the Quarter Guard, or Defaulter's Room, not exceeding seven days ; removal from Staff situations or acting appointments ; or may order Soldiers to be employed in piling and unpling shot ; and in cleaning accoutrements of men in Hospital ; but none of these descriptions of punishment shall be awardable by Sentence of a Court Martial. And a Commanding Officer may award solitary confinement not exceeding seven days.

L

Provided

ACT No. XX. OF 1845.

Provided that Soldiers in confinement shall be liable to be ordered to attend ordinary drill.

ARTICLE 110.

Any Officer, or Soldier, who shall be taken prisoner by the Enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner and until he shall again return to the service; when, if he can establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not served with or assisted the Enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such portion of his arrears of pay and allowances as the Government of the Presidency to which he may belong shall determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander in Chief.

SECTION VI.

Mode of dealing with offences not Military.

ARTICLE 111.

In all places within the jurisdiction of any Civil Judicature, established by appointment of Her Majesty or of the said Company, Officers and Soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such Civil Judicature, shall be delivered over to a Magistrate to be proceeded against according to Law.

And all Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending and securing any person so accused.

Crimes

ACT No. XX. OF 1845.

Crimes to be tried by Courts Martial where no regular Criminal tribunals exist.

ARTICLE 112.

In any place within the limits of the Charter of the East India Company, whether in or out of the British Territories, where there may be no Civil Judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by Civil Tribunals, such offences when committed by Officers or Soldiers shall be cognizable by Courts Martial.

ARTICLE 113.

General Courts Martial shall have cognizance ordinarily, of offences punishable with Death;

Transportation for Life;

Imprisonment for Life;

Imprisonment for a period which may extend to 14 years;

Imprisonment for a period which may extend to 7 years.

ARTICLE 114.

District or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of death or transportation, with power to sentence persons convicted of such offences to imprisonment for any period not exceeding three years.

ARTICLE 115.

Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable with imprisonment for a period not exceeding
ing

ACT No. XX. OF 1845.

ing six calendar months, and, by special order, of offences ordinarily cognizable by District or Garrison Courts Martial, with power to sentence persons convicted of such offences to imprisonment for a period not exceeding six calendar months.

General Courts Martial.

Punishment of Death.

ARTICLE 116.

Any Officer or Soldier who shall be convicted by a General Court Martial of the crime of "Murder" shall be sentenced to suffer death by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder, whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for Life.

ARTICLE 117.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt

ACT No. XX. OF 1845.

attempt to commit murder, or with wounding or other Corporal injury to any person endangering the life of such person : That is to say,

1st.—Breaking or attempting to break by day or night into any Dwelling House, Tent, Boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal.

2nd.—Robbery or attempt to rob.

3rd.—Stealing or attempting to steal in a house, or from the person :—

Shall be Sentenced by such General Court Martial to imprisonment with or without hard labour and transportation for life.

Offences punishable by Imprisonment which may extend to 14 years.

ARTICLE 118.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with wounding or other Corporal injury to any person not endangering the life of such person ; — or

ARTICLE 119.

Of wounding with intent to murder, whether the person wounded be the person whom the offender intended to murder or another ; — or

ARTICLE 120.

Of Robbery by open violence or Dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house or place of habitation, or any place in which property may be kept, for the purpose of robbery ; — or

ACT No. XX. OF 1845.

ARTICLE 121.

Of breaking or attempting to break into any Dwelling House, Tent, Boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal ; — or

ARTICLE 122.

Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed 100 Company's Rupees ; — or

ARTICLE 123.

Of purchasing or receiving plundered or stolen property knowing it to have been obtained by robbery, by open violence, or by theft or robbery aggravated as described in Article 118 or Article 119 ; —

Shall be sentenced by such General Court Martial to imprisonment with or without Hard Labour for a period not exceeding 14 years.

Offences punishable by Imprisonment not exceeding 7 years.

ARTICLE 124.

Any Officer or Soldier who shall be convicted by a General Court Martial of culpable Homicide not amounting to wilful murder ; — or

ARTICLE 125.

Of premeditated affray, attended with Homicide, or severe wounding, or other aggravating circumstance ; — or

ARTICLE 126.

Of intentionally wounding, maiming, or otherwise doing Corporal injury to any person ; — or

ARTICLE 127.

ACT No. XX. OF 1845.

ARTICLE 127.

Of accidentally wounding, maiming, or otherwise doing corporal injury to any person with the intention of doing such injury to another person ;
—— or

ARTICLE 128.

Of breaking into any Dwelling House, Tent, Boat, or other place of Habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein ; —— or

ARTICLE 129.

Of stealing from any habitation, or from any person, any property exceeding Three Hundred Company's Rupees in value ; —— or

ARTICLE 130.

Of having purchased any property so stolen exceeding in value Three Hundred Company's Rupees, knowing it to have been stolen ; —— or

ARTICLE 131.

Of Arson ; —— or

ARTICLE 132.

Of an unnatural crime ; —— or

ARTICLE 133.

Of Rape ; —— or

ARTICLE 134.

ACT No: XX. OF 1845

ARTICLE 134.

Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose, any unmarried woman under the age of 15 years ;
—— or

ARTICLE 135.

Of stealing a child under the age of 8 years :—

Shall be Sentenced by such General Court Martial to suffer imprisonment with or without Hard Labour, for any period not exceeding seven years.

District or Garrison Courts Martial.

——
Offences punishable by Imprisonment not exceeding 3 years.

ARTICLE 136.

It shall be competent to the Commander in Chief, and to any Officer having authority to convene District or Garrison Courts Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of Death or Imprisonment or Transportation for Life is not provided therein, to be tried for such offences before a District, or Garrison Court Martial, and such Court shall have power, on conviction, to sentence any such offender to Imprisonment with or without Hard Labour for any period not exceeding three years.

ARTICLE 137.

Any Officer or Soldier who shall be convicted by a General, District, or Garrison Court Martial, of stealing from any habitation, or from the person, any property, of value not exceeding three Hundred Company's Rupees but exceeding Fifty Company's Rupees ; —— or

ARTICLE 138.

ACT No. XX. OF 1845.

ARTICLE 138.

Of having purchased or received any stolen property of value not exceeding Three Hundred Company's Rupees, knowing it to have been stolen but not under aggravating circumstances; — or

ARTICLE 139.

Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen:—

Shall be sentenced by such Court to suffer Imprisonment with or without Hard Labour for any period not exceeding three years.

Regimental, Detachment, or Line Courts Martial.

Offences punishable by Imprisonment not exceeding six months

ARTICLE 140.

It shall be competent to any Officer having authority to convene a Court Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which no punishment exceeding Imprisonment with Hard Labour for three years is therein provided, to be tried before Regimental or Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer Imprisonment with or without Hard Labour for any period not exceeding six calendar months.

Offences punishable by Imprisonment from six months to one year, according to the description of Court.

ARTICLE 141.

Any Officer or Soldier who shall be convicted of stealing property to the value of Fifty Company's Rupees, or of less value; — or

ACT No. XX. OF 1845.

ARTICLE 142.

Of Assault or Affray, unattended with homicide, severe wounding, or aggravating circumstances;—

Shall be sentenced to suffer Imprisonment with or without Hard Labour, for any period not exceeding one year, by the award of a General, or District, or Garrison Court Martial; or, for any period not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

Offences punishable by Imprisonment from six months to two years, according to the description of Court.

ARTICLE 143.

Any Officer or Soldier who shall be convicted of resisting the process of a Magistrate or Police Officer; ———or

ARTICLE 144.

Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War;—

SHALL be sentenced to suffer Imprisonment for any period not exceeding two years, by the award of a General Court Martial; not exceeding one year, by the award of a District, or Garrison Court Martial; and not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

ARTICLE 145.

Any Officer or Soldier who shall be convicted by a General, or District, or Regimental Court Martial, of having been present aiding and abetting, or of having caused, instigated, or procured, the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such
Court

ACT No. XX. OF 1845.

Court to the punishment therein provided for such offence, and awardable by General, or District, or Regimental Courts Martial, respectively.

ARTICLE 146.

No sentence of death shall be carried into effect until confirmed by the Commander in Chief, nor, if the trial shall have been held within the British Territories forming part of either of the Presidencies of Fort William, Fort St. George, and Bombay, respectively, until such confirmation shall have been concurred in by the Government of the Presidency where such trial shall have been held.

ARTICLE 147.

The Commander in Chief is authorized at his discretion to confirm any sentence of death, or to remit such sentence, or to commute it into imprisonment with hard labour and transportation for life, or into imprisonment with hard labour for any term of years.

ARTICLE 148.

No sentence of transportation shall be carried into effect until confirmed by the Commander in Chief, and the Commander in Chief is authorized at his discretion to confirm any such sentence, or to commute it into imprisonment with or without hard labour for any period of time.

ARTICLE 149.

It shall be competent to any Officer having authority to confirm the sentence of a General or other Court Martial to remit any sentence passed by such Court Martial, or to mitigate such sentence by substituting simple imprisonment for imprisonment with hard labour, or by reducing the period of imprisonment, or by directing the discharge of the offender in lieu of any imprisonment.

ARTICLE 150.

ACT No. XX. OF 1845.

ARTICLE 150.

But no sentence of imprisonment with hard labour, passed by a Regimental, or Detachment, or Line Court Martial, and confirmed either in whole or in part by the Commanding Officer ; and no award of discharge substituted for other punishment, as aforesaid, by such Commanding Officer ; shall be carried into effect without the sanction and authority of the Officer Commanding the Division or Field Force, or District, or Brigade, (being the senior Officer on the spot,) in which the offender may be serving or of the senior Officer on the spot in the field.

ARTICLE 151.

A person who may have been tried for any offence by a Court Martial under the authority of these Articles of War, shall not be tried for the same in any other Court whatsoever, and no person who shall have been acquitted or convicted of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by Cashiering or Dismissal from the service.

ARTICLE 152.

The Regulations at present in force at any Presidency, by which the office and powers of Commissariat Officers, or Officers in charge of the Police, or Superintendents of Bazars, are defined and controuled ; or by which Panchayets are constituted and guided ; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around Cantonments ; are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

SECTION VII.

ACT No. XX. OF 1845.

SECTION VII.

Application of the Articles.

ARTICLE 153.

All Officers and Soldiers, all Drivers, Farriers, Trumpeters and Drummers; all Hospital Attendants, Sub-Assistant Surgeons, Native Doctors, and Dressers; all ~~Artificers~~ and Labourers, Suttlers, Followers, public and private, or others attached to or serving with any part of the Army, are to be governed by ~~these Articles~~ and subject to trial by Courts Martial.

Provided, that persons of European descent, (whether on the side of their father or mother) professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article, (and not being Her Majesty's natural born subjects born in Europe, or the children of such subjects,) shall be tried and punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better government of the Officers and Soldiers in the European Service of the East India Company.

Promulgation of the Articles.

ARTICLE 154.

These Articles are to be translated into the several languages of the different Presidencies, and the parts following, viz. the second Section, together with the following Articles in other Sections which are marked with an * (Asterisk) viz. 2, 4, 72, 75, 77, 99, 100, 107, and 108, are to be read once every six months at the head of every Regiment, Troop or Company mustered in the service, and to every Recruit at the period of his enlistment.

1845/46

Civil audit

Ind. No. 31/8

ACT No. XXI. OF 1845.

*Passed by the Governor General of India in Council on the
13th September, 1845.*

*An Act respecting the appointment and powers of Agents for the suppression of
Meriah Sacrifices in the Hill Tracts of Orissa.*

I. **I**T is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Commissioner and Superintendent of Tributary Mehals in Cuttack, any of the Tributary Estates specified in Section 2, Regulation II. of 1816 of the Bengal Code, and to place any such Estates under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Government of Bengal in that behalf.

II. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Agent to the Governor General, South West Frontier, any portion of the tracts of Country, comprized in that Agency, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and
his

ACT No. XXI. OF 1845.

his subordinates, as shall from time to time be appointed by the Governor of Bengal in that behalf.

III. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Collectors of Ganjam or Vizagapatam, exercised by them as Agents to the Governor of Fort St. George under Act XXIV. of 1839, any portion of the tracts of Country specified in Section II. of the said last mentioned Act, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Government of Fort St. George in that behalf.

IV. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the operation of the General Regulations and Laws any portion of Zillah Rajamundry, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall be appointed by the Government of Fort St. George in that behalf.

V. And it is hereby enacted, that all such Agents and their subordinates as shall be appointed under this Act, shall in the exercise of their jurisdiction and superintendence, be guided by such instructions as they may from time to time receive from the Government of India through their respective Governments.

VI. And it is hereby enacted, that it shall be competent to the Governor General in Council, through the Governments of the aforesaid Presidencies

ACT No. XXI. OF 1845.

dencies respectively, to prescribe such Rules as he may deem proper for the guidance of such Agents and subordinates, and to determine to what extent the decision of the said Agents in Civil Suits shall be final, and in what Suits an appeal shall lie to the Sudder Court, and to define the authority to be exercised by the said Agents in Criminal trials, and what Criminal cases they shall submit for the decision of the Sudder Court.

ACT No. XXII. OF 1845.

*Passed by the Governor General of India in Council on the
20th September, 1845.*

*An Act for providing for the exercise of certain powers by the Governor
General during his absence from the Council of India.*

I. **W**HEREAS it is expedient that the Governor General should visit the North Western Provinces and other parts of India unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except such powers as may by a Resolution of the Governor General in Council be exercised by the President in Council during the absence of the Governor General, and except the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

1845/46

Civil and
Ind. 2805

ACT No. XXIII. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 22d November, 1845, with the assent of the Right Hon'ble the Governor General of India.

An Act to enable "The Union Bank of Calcutta" to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company.

WHEREAS by and under a certain Deed of Partnership or Association or an Agreement in writing of that nature bearing date the First day of August 1839, several persons have formed themselves into a certain Company or Co-partnership by the name of "The Union Bank of Calcutta," by which said Deed or Agreement it was and is provided (amongst other things) that the business of the said Company should consist in issuing Promissory Notes payable to bearer on demand at their Office in Calcutta for any sum of not less than Eight Company's Rupees, and not exceeding One Thousand Company's Rupees, and Bills of Exchange payable at such time after date or sight as the Directors for the time being should fix to parties who should require the same and deposit the amount of such Bills in the said Bank, which deposit should bear interest at such rate as the Direc-

ACT No. XXIII. OF 1845.

tors should fix, and also in discounting Bills and Promissory Notes not having a longer period to run than four months from the time of discounting the same respectively, and also in lending money on the Security of personal property for any period not exceeding four months, or in cash accounts to persons depositing undoubted Security, such accounts to be settled at the end of every three months, and in all other branches of business usually transacted by Bankers in Calcutta, and by which said Deed or Agreement it was and is further provided, that the Capital Stock and Fund of the said Company should amount to the sum of 10,00,000 of Company's Rupees, with certain provisos for increasing the same when and if it should be deemed expedient. And whereas difficulties have arisen and may hereafter arise in recovering debts and monies due to the said Company called "The Union Bank of Calcutta," and in maintaining actions for damages done to the same Company, or to the property of the said Union Bank since by law all the Members for the time being of the said Company must be named in every action or suit carried on for such purpose. And whereas it would be convenient that persons having demands against the said Company should be entitled to sue one of the two Officers hereinafter mentioned or described in that behalf; therefore for obviating and removing the difficulties aforesaid—It is hereby enacted, that from and after the passing of this Act, all actions, suits and other proceedings whatsoever, at Law or in Equity, for any injury or wrong done to any real or personal property of the said Union Bank, in whomsoever the same may for the time being be vested whether in the said Company, or in some person or persons in trust for the said Company, or upon or in respect of any present liability or liabilities to the said Union Bank, or to any person or persons in trust for the said Union Bank, or upon any Bonds, Covenants, Contracts or Agreements which already have been or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in trust

ACT No. XXIII. OF 1845.

trust for the said Union Bank, or wherein the said Union Bank is or shall be interested, and also all instruments and petitions to found any adjudication of Insolvency in any Court for the Relief of Insolvent Debtors against any person or persons indebted to the said Union Bank, and liable to have been made Insolvent by the Laws now or at any time hereafter in force relating to Insolvents in the East Indies, and generally all other proceedings whatsoever at Law or in Equity to be commenced, instituted or carried on by or on behalf of the said Union Bank, or wherein the said Union Bank is or shall be concerned or interested against any person or persons, body or bodies, politic or corporate, or others, whether such person or persons, body or bodies, politic or corporate, is or are or shall then be a Member or Members, Proprietor or Proprietors of, or in the said Union Bank, or not, shall and lawfully may be commenced, instituted, presented and prosecuted, or carried on in the name of the person who shall be the Secretary, or of the person who shall be the Treasurer of the said Union Bank at the time such action, suit or proceeding shall be commenced or instituted as the nominal plaintiff or petitioner for or on behalf of the said Union Bank, and all actions, suits, and proceedings at Law or in Equity, as well for subsisting as future accruing claims, debts or demands to be commenced or instituted against the said Union Bank by any person or persons, body or bodies, politic or corporate, whether such person or persons, body or bodies, politic or corporate, is or are, or shall then be a Member or Members, Proprietor or Proprietors of, or in the said Union Bank or not, shall be commenced, instituted and prosecuted against the said Secretary for the time being of the said Union Bank, or of the said Treasurer for the time being of the said Union Bank, as the nominal defendant, respondent or defender for and on behalf of the said Union Bank, and the death, removal, resignation or any other act of such Secretary or Treasurer, or the Bankruptcy or Insolvency of such Secretary or Treasurer shall not abate or prejudice any action, suit or other proceeding

ACT No. XXIII. OF 1845.

proceeding at Law or in Equity commenced under this Act, but the same may be continued, prosecuted and carried on or defended in the name of any other the Secretary or Treasurer for the time being of the said Company.

II. And it is hereby enacted, that from and after the passing of this Act in all indictments, informations and other criminal proceedings brought, instituted or carried on by, or on the behalf of the said Union Bank for fraud or injury upon or against the said Union Bank, or for any felonies, taking, stealing or embezzlement, damaging or destroying, or for any offence whatever relating to any Money, Notes, Bills, Effects, Securities, or any real or personal property of the said Union Bank, or for any other offence against the said Union Bank, it shall be lawful to state such Money, Notes, Bills, Effects and Securities, and other real and personal property in whomsoever the same may be vested whether in the said Union Bank, or in some person or persons in trust for the said Union Bank, to be the Money, Notes, Bills, Effects and Securities, or property of the said Union Bank, or of such Secretary or Treasurer for the time being of the said Union Bank; and any offence committed with intent to injure or defraud the said Union Bank, shall and lawfully may in such prosecution be laid to have been committed with intent to injure or defraud the said Union Bank, or such Secretary or Treasurer for the time being of the said Union Bank, and any offender or offenders may hereupon be lawfully convicted of any such offence, and in all other allegations or indictments, informations, or other proceedings in which before the passing of this Act, it would have been necessary to state the names of the persons composing the said Union Bank, it shall be lawful and sufficient to state the name of such Secretary or Treasurer, and the death, resignation or removal of such Secretary or Treasurer, shall not abate or render defective or in any wise affect

ACT No. XXIII. OF 1845.

affect or prejudice such indictments, informations or other criminal proceedings.

III. And it is hereby further enacted, that no action which may be commenced against the said Union Bank, or the Secretary or Treasurer for the time being of the said Union Bank, upon or arising out of any contract entered into by or on behalf of the said Union Bank, shall be in any wise affected or defeated by, or by reason of the plaintiff or plaintiffs therein, or of any other person or persons who may be in any wise interested or concerned in such action being a Member or Members of, or a Shareholder or Shareholders, or a Partner or Partners in the said Union Bank, but any Member or Members, or Shareholder or Shareholders of, or Partner or Partners, in the said Union Bank, shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner against the said Union Bank, or the Secretary or Treasurer for the time being thereof, upon any contract, and for any debt, damage or demand whatsoever which he or they might have had if he or they had been a stranger or strangers, and not a Member or Members, Shareholder or Shareholders, Partner or Partners of, or in the said Union Bank.

IV. And it is hereby further enacted, that no action commenced by or on behalf of the said Union Bank in the name of the Secretary or Treasurer for the time being thereof, by virtue of this Act upon, or arising out of any contract whatsoever entered into by or on behalf of the said Union Bank, or for the recovery of any debt or demand whatsoever due or owing to the said Union Bank, or for any other cause or any other account shall be in any wise affected or defeated by or by reason of the defendant or defendants therein, or any person or persons who may be in any wise interested or concerned in such action being a Member or Members,

ACT No. XXIII. OF 1845.

Shareholder or Shareholders, or Partner or Partners of or in the said Union Bank, but the said Union Bank shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner against any Member or Members, Shareholder or Shareholders thereof either alone or jointly with any other person or persons upon any contract, and upon and for any debt, damage or demand whatsoever which the said Union Bank might have had if such cause of action had arisen with a stranger or strangers, and not with a Member or Members, or Shareholder or Shareholders, or Partner or Partners of or in the said Union Bank.

V. And it is hereby further enacted, that the Directors of the said Union Bank shall cause a Memorial in the form and to the effect expressed in the Schedule to this Act, or as near thereto as the circumstances of the case will admit of the name, residences and descriptions of the Directors, Secretary and Treasurer, and of the several persons being Members and Proprietors of the said Union Bank, to be verified by a declaration in writing to be made before the Master in Equity of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, by the Secretary or some one of the said Directors for the time being, and the same shall be enrolled amongst the records of the said Supreme Court within 12 Calendar months next after the passing of this Act ; and whenever any new Director or Directors, or Secretary or Treasurer shall be elected a like Memorial shall be verified and enrolled as aforesaid specifying in whose place or places he or they shall be appointed within 12 Calendar months after such appointment, and whenever any person or persons shall cease or discontinue to be a Proprietor or Proprietors of the said Union Bank a Memorial of his, her or their names shall be in like manner verified within 12 Calendar months after such person or persons shall have so ceased or discontinued to be such Proprietor or Proprietors in the Form expressed in
the

ACT No. XXIII. OF 1845.

the said Schedule for that purpose ; and when any new Proprietor or Proprietors shall be admitted into the said Union Bank a Memorial of his, her or their names shall be in like manner verified and enrolled among the records of the said Supreme Court of Judicature within 12 Calendar months afterwards according to the Form in the said Schedule. Provided always that if any declaration so made shall be false or untrue in any material particular the person wilfully making such false declaration shall be guilty of a misdemeanor.

VI. And it is hereby further enacted, that until such Memorial as first hereinbefore mentioned shall have been deposited and enrolled as hereinbefore directed no action or suit shall be brought by the said Union Bank under the authority of this Act, and until the Memorial by this Act required to be deposited and enrolled in the event of any person or persons ceasing or discontinuing to be a Director or Secretary or Treasurer or Member of the said Union Bank, shall have been deposited and enrolled as hereinbefore mentioned, the person or persons whose names shall appear in the last Memorial which shall have been made and enrolled shall be and are hereby declared to be liable to all such actions, suits, and executions upon judgment or decree and other proceedings under this Act in the same manner as if he, she, or they had not ceased or discontinued to be a Director, Secretary, or Treasurer, or Proprietor of the said Union Bank.

VII. And it is hereby further enacted, that an examined copy of every Memorial to be deposited and enrolled pursuant to this Act, certified to be a true copy by and under the hand and signature of the Keeper of Records and Muniments for the time being of the said Supreme Court of Judicature shall be received in evidence as proof of the contents of such Memorial, and proof shall not be required that the person by whom the
Memorial

ACT No. XXIII. OF 1845.

Memorial purports to be verified was, at the time of such verification, one of the Directors of the said Union Bank.

VIII. And it is hereby further enacted, that all and every judgment and judgments, decree and decrees, order and orders, made or pronounced in any action, suit, or proceedings in any Court of Law or Equity within the limits of the Territories of the East India Company against the Secretary or Treasurer for the time being of the said Union Bank shall subject to the express provisions of this Act have the like effect and operation upon and against the property and funds of the said Union Bank as if such judgment, decree or order had been made or pronounced against all the Members of the said Union Bank, and as if all the Members of the said Union Bank had been parties before the Court to such action, suit and proceedings, and as if this Act had not passed.

IX. Provided always and it is hereby further enacted, that in case execution upon any judgment or decree in any such action or suit obtained against the Secretary or Treasurer of the said Union Bank as defendant or respondent or otherwise shall have been issued and taken out against the funds and property of the said Union Bank under the Provisions of this Act, and shall be ineffectual for obtaining full payment and satisfaction for the sum or sums sought to be recovered, then and in such case execution upon any such judgment or decree shall be issued against any other Individual, Proprietor or Proprietors of the said Union Bank successively as it may become necessary to enforce payment and satisfaction of the said judgment or judgments. Provided also that every such Secretary or Treasurer in whose name any such action or suit shall be commenced, prosecuted or defended, and every Director or Member against whom execution upon any judgment or decree obtained in any such action or suit shall be issued as aforesaid, or as hereinafter mentioned

ACT No. XXIII. OF 1845.

mentioned shall always be reimbursed and paid out of the funds or property of the said Union Bank all such loss, damages, costs and charges as by the event of any such proceedings he or they shall be put unto or become chargeable with, and if the funds or property of the said Union Bank shall be insufficient to pay the said loss, damages, costs or charges then the deficiency shall be made good by the Proprietors for the time being of the said Union Bank. Provided also, that if any such execution against the Secretary or Treasurer or Member or Members for the time being of the said Union Bank shall be ineffectual for obtaining payment of the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties so having obtained judgment or decree against the Secretary or Treasurer for the time being of the said Union Bank to issue execution against any other person or persons who was or were a Member or Members thereof at the time the Contract or Contracts was or were entered into upon which such action or suit was or were instituted, but no such execution shall be issued against any other person than the actual party to the action or suit without leave first granted in open Court by the Court in which such action or suit may have been brought or instituted, and when motion shall be made or notice to the person or persons sought to be charged. Provided also, that nothing herein contained shall render such past Members or Proprietors liable for payment of any debt or claim for which such action, suit or proceedings may have been brought to which they would not have been liable by operation of law as Partners in case any action or other proceeding had been originally brought against them for the same.

X. And whereas it is expedient that every Member of the said Union Bank against whom any execution shall be issued upon any judgment or decree under the authority of this Act should have an easy and expeditious

ACT No. XXIII. OF 1845.

expeditious mode of recovering all such losses, damages, costs and charges as he or she shall be put to or become chargeable with in consequence thereof. It is therefore hereby enacted, that if any execution upon any judgment or decree obtained in any action, suit or proceeding under this Act shall be issued against any other Proprietor or Member of the said Union Bank, and such Proprietor or Member shall not within the space of one month next after the issuing thereof be reimbursed out of the funds or property of the said Union Bank, all such monies, costs, charges, losses and expences as he or she shall have paid or been put to or become chargeable with in consequence of such execution having been issued against him or her, it shall be lawful for such Member or Proprietor to divide such monies or cost or charges, or so much thereof as he or she shall not have been reimbursed as aforesaid into as many equal parts or shares as the Capital of the said Union Bank shall at that time be divided into, and each and every Proprietor for the time being of any share or shares in the said Company shall in proportion to the number of shares which he or she may hold in the said Union Bank pay one or more of such parts or shares upon demand to the Member or Proprietor against whom such execution shall have issued, or to his or her Executors or Administrators, and upon the neglect or refusal of any Proprietor of the said Company to pay upon demand his or her due and fair proportion of such monies, costs and charges, then and in such case it shall be lawful for the Proprietor, or such person to whom the same ought to have been paid, to sue for and recover the same in and by action, suit or plaint against the Proprietor, or the Executors or Administrators of any Proprietor who shall so neglect or refuse as aforesaid in Her Majesty's Supreme Court of Judicature in Calcutta.

XI. And it is hereby enacted, that the Secretary or Treasurer for the time being of the said Union Bank, or any Member of the said Union Bank

ACT No. XXIII. OF 1845.

Bank being the plaintiff, appellant, petitioner or prosecutor, or being the defendant or respondent in any action, suit, petition, proceeding, prosecution or indictment commenced, instituted or prosecuted in the Courts, and within the limits aforesaid by or against the said Union Bank, shall not by reason thereof be deemed incompetent to be a witness in any such action, suit, petition, proceeding, prosecution or indictment ; but such Secretary or Treasurer, or Member of the said Union Bank as aforesaid shall and may if not otherwise interested or objectionable be a good and competent witness, and be admissible and be admitted as such in all the Courts above mentioned, and by and before all Judges, Justices and others, within the limits aforesaid in any such action, suit, petition, proceeding, prosecution or indictment in the same manner as he or they might have been if his or their name or names had not been made use of as the plaintiff or appellant, petitioner or prosecutor, defendant or respondent in any such action, suit, petition, proceeding, prosecution or indictment or other proceeding.

XII. And it is hereby further enacted, that any individual Member or Members of the said Union Bank, or person or persons who shall have been a Member or Members of the said Union Bank, and have parted with his, her or their shares and interests therein, and who shall claim payment of any dividends of the funds or profits of the said Union Bank due and payable to him, her or them, and not also disposed of and parted with along with such share or shares, or any other right or interest against the said Union Bank generally, shall and lawfully may commence and carry on in any Court of Equity within the limits aforesaid any suit or other proceeding against the Secretary or Treasurer of the said Union Bank for the time being, and in like manner such Secretary or Treasurer for the time being may commence and carry on in his own name by and on behalf of the said Company

ACT No. XXIII. OF 1845.

Company any suit or other proceeding in any Court of Equity within the limits aforesaid against any individual Member or Members of the said Union Bank, or person or persons who shall have been a Member or Members of the said Union Bank, and have parted with his, her or their shares and interests therein against whom the said Union Bank generally may have any claim or demand, and all such suits and other proceedings shall be as valid and effectual as if all the Members of the said Union Bank had been made parties, and every decree and order made therein shall be binding for or against the said Union Bank, and no abatement shall arise from the death, resignation or removal, or any act or proceeding of any such Secretary or Treasurer pending the suit, nor shall such suit be deemed defective by reason thereof. Provided always that in case for the purpose of discovery or for any other purpose, any person or persons (whether Members of the said Union Bank or not) having claims or demands against the said Union Bank shall be desirous to include any other Member or Members of the said Union Bank, besides the Secretary or Treasurer for the time being as a defendant or defendants in any Bill or other proceeding in any Court of Equity within the limits aforesaid, it shall be lawful for him, her or them so to do—any thing in this Act contained to the contrary notwithstanding.

XIII. And it is hereby further enacted, that no person or persons, body or bodies, politic or corporate, having or claiming to have any demand upon or against the said Union Bank shall when the same has been so determined as to have been pleadable in bar against such person or persons, body or bodies, politic or corporate, bring more than one action or suit in respect of such demand, and the proceedings in any action or actions, suit or suits which may have been brought against the Secretary or Treasurer for the time being of the said Union Bank under the authority of this Act if so determined, may be pleaded in bar of any action or actions, suit or suits in
any

ACT No. XXIII. OF 1845.

any of the Courts aforesaid for the same cause against any other Secretary or Treasurer, or against any Member of the said Union Bank, and that in case of any demand which the said Union Bank now has or hereafter may have upon or against any person or persons, body or bodies, politic or corporate, whether a Member or Members of the said Union Bank or not, and which shall have been determined in any action or suit, commenced or prosecuted by the Secretary or Treasurer for the time being of the said Union Bank, the proceedings in such action or suit may be pleaded in bar of any other action, or suit, or actions, or suits in any of the Courts aforesaid for the same demand which may be commenced or prosecuted by the same, or any other Secretary or Treasurer of the said Union Bank.

XIV. Provided always and it is hereby further enacted, that nothing in this Act contained shall extend, or be construed to extend to incorporate the said Union Bank, or to relieve or discharge the said Union Bank from any responsibility, contract, duty, or obligation whatever to which by law they now are or at any time hereafter may be subject or liable, either as between the said Union Bank and other parties, or as between the said Union Bank and any of the individual Members of the said Union Bank, or any of them and others, or amongst themselves, or in any manner whatsoever.

XV. And it is hereby further enacted, that this Act and the provisions herein contained shall extend and be construed to extend to the said Company called the Union Bank at all times during the continuance thereof, whether the said Union Bank hath been or be now or shall hereafter be composed of all, or of some of the persons who were the original Members thereof, or of all or some of those persons, together with some other person or persons, or whether the said Union

ACT No. XXIII. OF 1845.

Bank be at the time of the passing of this Act, composed altogether of persons who were not original Members of the said Union Bank, or whether the said Union Bank shall hereafter be composed of persons who were not original Members thereof, or of persons all of whom shall become Members subsequently to the passing of this Act.

THE SCHEDULE REFERRED TO IN THIS ACT.

Original Memorial
of Directors to Secre-
tary and Members.

Memorial made the
day of

of the names of the

present Directors, Secretary, Treasurer and Members of the "Union Bank of Calcutta," pursuant to an Act of the Legislative Council of India passed in the year of Christ 1845, intituled "an Act to enable the Union Bank of Calcutta to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company."

C. D. of

and

E. F. of

} Directors.

G. H.

Secretary.

I. J.

K. L., &c.

} Proprietors.

I, C. D., one of the Directors or Secretary of the Union Bank, do solemnly and sincerely declare that the above written Memorial doth contain the names of the present Directors, Secretary, Treasurer and of all the present Proprietors of the said Union Bank as the same appear in the books of the said Union Bank, and make this solemn declaration conscientiously believing

ACT No. XXIII. OF 1845.

believing the same to be true and by virtue of the provisions of the Act substituting declarations in lieu of Oaths and Affirmations.

(Signed) C. D.

Declared, &c. before me, }
Master of the Supreme }
Court of Judicature, }

In the case of change of Directors or Secretary. Memorial made the day of of the names of the new Directors or Secretary of "The Union Bank," and of the persons in whose places they have (or he has) been appointed pursuant to an Act passed in the year of Christ 1845, intituled, &c.

E. F. of Director in the place of A. B.

G. H. of Secretary in the place of C. D.

I, E. F., one of the Directors, Treasurer or Secretary of the said Union Bank, do solemnly and sincerely declare that the above written Memorial contains the names of the new Secretary or Treasurer or Directors of the said Union Bank, and of the persons in whose place they have (or he has) been appointed as the same appear in the books of the said Union Bank, and I make this solemn declaration, &c. (as before.)

(Signed) E. F.

Declared, &c. &c.

N. B. The last Memorial as to new Directors or Secretary or Treasurer, was enrolled on the day of 18

In the case of retirement of Members. Memorial made the day of the names of the persons who have ceased or discontinued

ACT No. XXIII. OF 1845.

tinued to be Members of the Union Bank of Calcutta, since the
day of being the date of the Memorial last registered
respecting the Members of the said Union Bank enrolled pursuant to an
Act passed, &c. intituled, &c.

A. B. of

I, E. F. of one of the Directors or Secretary of the said
Union Bank, do solemnly and sincerely declare that the above Memorial
doth contain the name or names of the persons who have ceased or dis-
continued to be Members of the said Union Bank since the
day of and I make this solemn declaration (as before.)

(Signed) E. F.

Declared, &c. &c.

N. B. The last Memorial as to retirement of Members was enrolled
on the day of One Thousand Eight Hundred
and

In case of new Mem- Memorial made the day of
bers, of the names of the persons who have become new
Members of "the Union Bank of Calcutta" since the day
of One Thousand Eight Hundred and
(being the date of the Memorial last registered respecting new Members of
the said Union Bank,) enrolled pursuant to an Act, &c.

J. K. of

L. M. of

I, A. B., of , one of the
Directors

ACT No. XXIII. OF 1845.

Directors or Secretary of the said Union Bank, do solemnly and sincerely declare that the above Memorial doth contain the names of the persons who have become new Members of the said Union Bank since the day of One Thousand Eight Hundred and , and I make this solemn declaration, &c. (as before)

(Signed) A. B.

Declared, &c. &c. &c.

N. B. The last Memorial as to new Members was enrolled on the day of One Thousand Eight Hundred and .

Memorial made the day of .

Memorial of several of the names of the new Directors and Secretary of changes. the Union Bank of Calcutta, and of the persons in whose place they have respectively been appointed, and of the names of the persons who have ceased or discontinued to be Members of the said Union Bank, and of the new Members of the said Union Bank enrolled pursuant to an Act passed, &c.

Names of the new Directors and of the persons in whose places they have been appointed.

E. F. of in the place of A. B. of

G. H. of in the place of C. D. of

Names of the persons who have ceased to be Members.

A. B. of

C. D. of

Names of New Members.

J. K. of

L. M. of

I, E. F., of

one of the Directors or Secretary of
the

ACT No. XXIII. OF 1845.

the said Union Bank, do solemnly and sincerely declare that the above written Memorial doth contain the names of the new Directors and Secretary of the said Union Bank, and of the persons in whose places they have been appointed, and of the persons who have ceased to be Members of the said Union Bank, and of the new Members of the said Union Bank, as the same respectively appear in the books of the said Union Bank, and I make this Solemn Declaration, &c. (as before.)

(Signed) E. F.

Declared, &c,

N. B. The last Memorial as to new Secretary was enrolled on the
day of One Thousand Eight Hundred and

The last Memorial as to new Directors was enrolled on the
day of One Thousand Eight Hundred and

The last Memorial as to the retirement of Members was enrolled on
the day of One Thousand Eight Hundred and

The last Memorial as to new Members was enrolled on the
day of One Thousand Eight Hundred and

1844/45
ind and
Ind no 3478

ACT No. XXIV. OF 1845.

*Passed by the Hon'ble the President of the Council of India
in Council on the 22d November 1845, with the assent of the
Right Hon'ble the Governor General of India.*

*An Act for establishing a Court for the trial of Officers of the Pilot
Service accused of breach of duty.*

I. **I**T is hereby enacted, that from and after the First day of January next, if any person employed in the Pilot Service of the East India Company, at the Presidency of Fort William in Bengal, shall be accused of having committed any breach of duty while engaged in such Service, and it shall appear to the Superintendent of Marine that such person ought to be brought to trial for such breach of duty, such person shall be brought to trial before a Court, consisting of a President and two Merchants of Calcutta, four Commanders of British Ships and two Branch Pilots or Master Pilots of the East India Company's Service, as Members.

II. And it is hereby enacted, that the said President shall be such person as shall be, from time to time appointed for that purpose by the Governor of Bengal.

III. And

ACT No. XXIV. OF 1845.

III. And it is hereby enacted, that whenever it shall appear to such Superintendent of Marine that any person employed in the said Pilot Service ought to be brought to trial before such Court, the said Superintendent shall convene such Court by giving notice to the said President, and summoning by writing under his hand any two Merchants of Calcutta, any four Commanders of British Ships lying in the Port of Calcutta and any two Branch Pilots or Master Pilots of the East India Company's Service, to appear for the purpose of holding such trial at a time and place to be subsequently intimated to them by the Judge Advocate appointed to conduct the Proceedings of such Court. Provided always that every Court to be held under this Act shall consist of the President, and at least four Members, and that the decision shall in every case be according to the votes of the majority, and that in case of equality of votes the President shall have a casting vote.

IV. And it is hereby enacted, that if after the Court shall have been convened the President shall be prevented by sickness or any other cause from attending the said Court, it shall be lawful for the Members of the said Court, not being less than five in number, to elect one from among themselves, who shall perform the functions of President of the said Court until the end of the trial.

V. And it is hereby enacted, that if any person summoned, as aforesaid, shall neglect or refuse to attend in pursuance thereof, or to remain in attendance to the end of such trial without sufficient cause, then it shall be lawful for the said Superintendent of Marine to impose upon any such person a fine not exceeding the sum of Rupees 200 for every such default, and every Justice of the Peace for the Town of Calcutta is hereby authorized and required upon representation made to him in writing and
signed

ACT No. XXIV. OF 1845.

signed by the said Superintendent, to enforce the payment of such fine in like manner as if such fine had been imposed by himself.

VI. And it is hereby enacted, that the proceedings before such Court shall be conducted on the part of Government by such person as the Governor of Bengal shall from time to time appoint as Judge Advocate for that purpose.

VII. And it is hereby enacted, that it shall be lawful for the said Judge Advocate, and he is hereby authorized and required either at the request of the party accused, or of the party making the accusation, or of the said Court, by writing under his hand to summon any person whatsoever, to attend as a witness at a time and place to be specified in such summons for the purpose of being examined at any trial before a Court constituted as aforesaid, or if such person shall be about to depart from Calcutta so as to be unable to attend at such trial without serious inconvenience, then to be examined before the President of the said Court, and any two Members of the said Court, provided always that due notice of the time and place of such examination shall be given to the person against whom a charge is about to be preferred, and provided also, that such witness may nevertheless be examined at the trial if he shall be able to attend thereat in which case his previous examination may also be read at the trial.

VIII. And it is hereby enacted, that every witness duly summoned to attend any such Court or President and two Members, shall during his necessary attendance on such Court or President and two Members, and in going to and returning from the same, be privileged from arrest, and shall, if arrested in breach of such privilege, be
discharged

ACT No. XXIV. OF 1845.

discharged by such Court or President and two Members, or by the Supreme Court, or any Judge thereof, or by any Justice of the Peace in and for the Town of Calcutta upon its being made to appear to such Court or President and two Members constituted by this Act, or to such Supreme Court, or Judge, or to such Justice of the Peace by affidavit in a summary way that such witness was arrested in going to or returning from or attending upon such Court or President and two Members constituted by this Act, and that every witness so duly summoned to attend as aforesaid, who shall not attend on such Court or President and two Members, or who attending shall refuse to give evidence on Oath or Solemn Affirmation or Declaration, or to answer all such questions as the Court or President and two Members may legally demand, shall be liable to be attached in the Supreme Court, upon complaint made in like manner as if such witness had neglected to attend on any trial in such Supreme Court.

IX. And it is hereby enacted, that every Member assisting at every such Court before the commencement of any proceeding, to be had before it shall take the following Oath upon the Holy Evangelists, which Oath shall be administered by the President of such Court to the other Members thereof, and to the President by the Judge Advocate, that is to say,

“ I, A. B.; do swear that I will duly determine and administer Justice according to the evidence in the matter that shall be brought before me, and that I will not divulge the sentence till it shall be approved of by competent authority, neither will I at any time divulge the vote or opinion of the President, nor my own vote, nor that of any Member of this Court unless required to give evidence thereof as

ACT No. XXIV. OF 1845.

a Witness by a Court of Justice in due course of Law. So help me God.”

X. And it is hereby enacted, that the Judge Advocate who is to conduct the Proceedings of the said Court shall take the following Oath, which Oath shall be administered by the President.

“ I, A. B., do swear that I will not upon any account whatsoever disclose or discover any vote or opinion of the President or any particular Member of this Court unless required to give evidence thereof as a witness by a Court of Justice in due course of Law. So help me God.”

XI. And it is hereby enacted, that every Witness before any such Court or President and two Members, shall be examined upon Oath, which such Courts and President and two Members are hereby authorized to administer. Provided always that in all cases wherein a Solemn Declaration or Affirmation would be allowed in Her Majesty's Courts of Judicature to be substituted for an Oath, the said Court or President and two Members constituted by this Act, shall substitute such Solemn Declaration or Affirmation for an Oath.

XII. And it is hereby enacted, that any person wilfully and knowingly giving false testimony on Oath or Solemn Declaration or Affirmation in any case in which an Oath or Solemn Declaration or Affirmation is by this Act required to be made, shall be deemed guilty of wilful and corrupt perjury, and being duly convicted, shall be liable to the pains and penalties of perjury.

XIII. And it is hereby enacted, that if the party against whom a charge is preferred shall appear, or shall not satisfy the Court that he has

ACT No. XXIV. OF 1845.

a reasonable excuse for not appearing, the said Court shall proceed to hear and determine the charges preferred by the said Superintendent against any person or persons so employed in the Pilot Service as aforesaid, and if such person or persons shall be found guilty by the said Court of the breach of duty laid to his or their charge, it shall be competent to the said Court, and it is hereby required to sentence such person or persons to dismissal from the said Pilot Service, or to such other punishment by loss of rank or pay as to the said Court shall appear fit, whether or not such breach of duty be punishable under a certain Code called the Penal Code for the better order and government of the Members composing the Pilot Service, passed by order of the Right Hon'ble the Vice President in Council, on the 21st December 1826.

XIV. Provided always, and it is hereby enacted, that in all cases wherein the charge preferred before such Court is a charge of a breach of duty punishable under the said Code, the said Court shall award such punishment as is prescribed for such breach of duty in the said Code and no other.

XV. Provided also, and it is hereby enacted, that the said Code shall remain in full force as regards the several breaches of duty therein specified, but that it shall be competent for the said Superintendent of Marine, and he is hereby empowered in any case of breach of duty not specified in the said Code, to frame such charge as shall be applicable to the facts of the case and to prefer the same to the said Court.

XVI. Provided always, and it is hereby enacted, that nothing in this Act contained shall prevent the said Superintendent from deciding summarily

ACT No. XXIV. OF 1845.

summarily in cases in which he was empowered to decide summarily before the passing of this Act.

XVII. And it is hereby enacted, that the proceedings of such Court shall be sent on completion of the trial to the Superintendent of Marine, and it shall be lawful for the said Superintendent of Marine, to send back the proceedings to the Court for revision of the finding or sentence or both.

XVIII. And it is hereby enacted, that every finding and sentence of such Court as aforesaid shall be subject to the approval of the Governor of Bengal, and that no such finding or sentence shall be considered final or conclusive until it has been submitted to and approved by the Governor of Bengal who is hereby empowered to remit any part or the whole of such sentence as he shall think fit, and that every such sentence either of dismissal from the service or of loss of rank or pay upon being confirmed or mitigated by the said Governor of Bengal, shall be considered valid and effectual from the date of such confirmation or mitigation and shall be forthwith carried into effect.

XIX. And it is hereby enacted, that it shall be lawful for the said Superintendent of Marine to make such Rules for conducting the Proceedings and regulating the practice of the said Courts, and for carrying into effect the purposes of this Act as to the said Superintendent shall seem expedient, and all such Rules shall be submitted to the Governor of Bengal, and shall have full effect after they shall have been confirmed by the Governor of Bengal.

1845/46

Civil and
Ind. 3479

ACT No. XXV. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 20th December 1845, with the assent of the Right Hon'ble the Governor General of India.

An Act for regulating the time of sailing of Ships carrying Emigrants from Madras to Jamaica, British Guiana and Trinidad.

WHEREAS by Section VIII. Act XXI. of 1844, it was amongst other things enacted, that no Ship or Vessel carrying Emigrant Laborers to Jamaica, British Guiana, or Trinidad, should sail from Calcutta, Madras, or Bombay, at any other time than between the 30th day of any September, and the 1st of March next, thereafter ensuing :

And whereas the said provision is found to be inconvenient so far as regards Ships or Vessels carrying Emigrant Laborers from Madras :

It is therefore hereby enacted, that so much of the said Act as is hereinbefore recited be repealed so far as regards such last mentioned Ships or Vessels.

II. And

ACT No. XXV. OF 1845.

II. And it is hereby enacted, that no Ships or Vessels carrying Emigrant Laborers to Jamaica, British Guiana, or Trinidad, shall sail from Madras at any other time than between the 31st day of any August, and the 1st of March next, thereafter ensuing.

ACT No. XXVI. OF 1845.

*Passed by the Hon'ble the President of the Council of India
in Council on the 27th December 1845, with the assent of the
Right Hon'ble the Governor General of India.*

*An Act to regulate the granting and withholding Licences for the Sale of
Liquors within the Town of Calcutta.*

I. **I**T is hereby enacted, that all powers and duties now vested by Law in the Justices of the Peace with respect to granting and withholding Licences for the sale of Arrack or other Spirituous or Fermented Liquors within the Town of Calcutta, shall from and after the passing of this Act, be vested in and discharged by any person whom the Governor of Bengal may appoint for that purpose.

II. And it is hereby enacted, that the Governor of Bengal shall have authority at all times to regulate the form of Licences to be granted for the sale of Arrack and other Liquors as aforesaid in the Town of Calcutta, and to vary and add to the terms and conditions thereof.

III. And

ACT No. XXVI. OF 1845.

III. And it is hereby enacted, that whenever a Licence to sell Arrack or other Liquors as aforesaid shall be granted under the provisions of this Act, the Officer granting such Licence shall be authorized to demand, in consideration of the privilege granted, such fee, tax or duty as may from time to time be fixed under the sanction of the Governor of Bengal. And such fee, tax or duty may be made payable in advance, or at such period as may be settled by the Officer granting the Licence.

IV. And it is hereby enacted, that it shall be lawful for the Officer granting such Licence to withhold or recal the same, in case the fee, tax or duty aforesaid be not duly paid according to the conditions upon which such Licence shall be granted. And any person vending Arrack or other Liquors as aforesaid within the Town of Calcutta, whilst such Licence shall be withheld, or after it shall have been recalled as aforesaid, shall be liable to all the penalties for vending Arrack or other Liquors as aforesaid without a Licence.

1845/46
Civil and S.
Ind. 3749

ACT No. XXVII. OF 1845.

*Passed by the Hon'ble the President of the Council of India
in Council on the 27th December 1845, with the assent of the
Right Hon'ble the Governor General of India.*

*An Act for enabling Assistant Magistrates vested with special powers to decide
Cases under the Provisions of Act IV. of 1840.*

I. **I**T is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, Assistant Magistrates vested with special powers, shall be competent to decide cases under the provisions of Act IV. of 1840 when such cases are referred to them by the Magistrates to whom they are subordinate, and that such Assistants shall deal with such cases in the same way as Magistrates are competent to deal with them under the said Act.

II. Provided always that the Magistrates may at all times recal from such Assistants any depending cases which may have been referred to them under this Act, and which for the more speedy administration of justice or for any other reason, the Magistrates may deem it proper to determine themselves in the first instance.

1845/46
Civil Audt
Indno 3750—

ACT No. XXVIII. OF 1845.

*Passed by the Hon'ble the President of the Council of India
in Council on the 27th December 1845, with the assent of the
Right Hon'ble the Governor General of India.*

*An Act for the improvement of the Administration of Justice and despatch of
Business in the Supreme Court of Judicature at Fort St. George.*

I. **I**T is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Fort St. George, when occasion shall so require to sit apart from the other Judges or Judge, as the case may be, of the same Court for the despatch of the Criminal Business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of Business in the said Supreme Court, and that all proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Gaol Delivery under the Charter of the said Court.

II. And

ACT No. XXVIII. OF 1845.

II. And it is hereby further enacted, that all Business of what nature or kind soever which the said Supreme Court of Judicature at Fort St. George may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all proceedings whatever before the said Court out of Term, shall be as good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had in Term, and that all Rules and Orders of the said Court as to all Judgments, Executions or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions, or other Proceedings given, issued or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

ACT No. XXIX. OF 1845.

*Passed by the Hon'ble the President of the Council of India
in Council on the 27th December 1845, with the assent of the
Right Hon'ble the Governor General of India.*

*An Act to empower the Government of Bombay to appoint Joint Zillah
Judges or Joint Session Judges.*

I. **I**T is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, with the consent of the Governor General of India in Council, whenever the state of Civil Judicial business may render it expedient, to appoint in any Zillah, within the Territories subject to the Presidency of Bombay, a Joint Judge, who shall be vested with co-extensive powers and a concurrent jurisdiction with the Judge of the Zillah, except that he shall not keep a file of Civil Suits, but shall transact such Civil business only as he may receive from the Judge of the Zillah.

II. And it is hereby enacted, that the Rules and Regulations at present in force, or which may hereinafter be enacted for the guidance of the Judge, shall be equally applicable to the Joint Judge.

III. And it is hereby enacted, that previous to exercising the functions of his Office, the Joint Judge shall take the oath prescribed for the

Judge,
11 21 21

ACT No. XXIX. OF 1845.

Judge, with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

IV. And it is hereby enacted, that the seal of the Joint Judge shall be the same as is used by the Judge of the Zillah.

V. And it is hereby enacted, that it shall be lawful for the said Governor in Council, with the consent of the said Governor General in Council, whenever the state of Criminal Judicial business may render it expedient, to appoint in any Zillah within the said Territories a Joint Session Judge who shall be vested with co-extensive powers and a concurrent jurisdiction with the Session Judge of the Zillah, except that he shall not receive original complaints, but shall transact such Criminal business only as he may receive from the Session Judge of the Zillah.

VI. And it is hereby enacted, that the Rules and Regulations at present in force or which may hereafter be enacted for the guidance of the Session Judge, shall be equally applicable to the Joint Session Judge.

VII. And it is hereby enacted, that previous to exercising the functions of his Office, the Joint Session Judge shall take the oath prescribed for the Session Judge with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

VIII. And it is hereby enacted, that the seal of the Joint Session Judge shall be the same as is used by the Session Judge of the Zillah.

ACT No. XXX. OF 1845.

১৮৪৫/১২/২৭
২৭ ডিসেম্বর
১৮৪৫

*Passed by the Hon'ble the President of the Council of India
in Council on the 27th December 1845, with the assent of the
Right Hon'ble the Governor General of India.*

*An Act for enabling Session Judges within the Madras Presidency to award
fines in compensation to injured parties.*

IT is hereby enacted, that from the 1st day of February 1846 it shall be competent to the Session Judges within the Presidency of Fort St. George in adjudging a sentence of fine, to award such fine, or any part of such fine, in compensation to the party who may have been injured, in like manner as it is competent to Magistrates to award fines under Clause Second, Section XXXIX. Regulation IX. 1816 of the Madras Code.

1845/46
Civil and
Ind. no 3878

ACT No. XXXI. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, with the assent of the Right Hon'ble the Governor General of India.

An Act for exempting the Pensions of Soldiers and others from Attachment by Process of the Courts of the East India Company.

I. **I**T is hereby enacted, that the reduced pay or pension, however denominated, of Invalid Officers and Soldiers and Retainers of the Bombay Army, or any other monthly or annual pecuniary allowance granted on retirement from the public service, by the authority of the Governor in Council of Bombay, to any person in consideration of past services and present infirmities or old age for the term of the life of such worn-out or disabled Officer or Public Servant shall not from and after the passing of this Act be liable to seizure, attachment or sequestration by the process of any of the Courts of the East India Company within the said Presidency, at the instance of a Creditor for any demand against the Pensioner, or in satisfaction of a decree or order of any such Court, nor any money due or to become due on account of such pension or allowance, unless the same have been assigned or made over by the Pensioner by a writing under his signature executed previous to the passing of this Act, any Law or Regulation to the contrary notwithstanding.

II. And

ACT No. XXXI. OF 1845.

II. And it is hereby enacted, that all assignments, bargains, sales, contracts, agreements or securities whatsoever made after the passing of this Act by such Pensioner as described in the foregoing Section, for any money to become due thereafter on account of his pension, shall be null and void and of no effect, any Law or Regulation to the contrary notwithstanding. Provided always that nothing herein contained shall be construed to prevent or render null the assignment of money due on account of a pension or monthly or annual pecuniary allowance, by a writing under the signature of the Pensioner executed on or after the date when the same shall become due.

1845/46
Civil audit
Ind. no 3879

ACT No. XXXII. OF 1845.

*Passed by the Hon'ble the President of the Council of India
in Council on the 27th December 1845, with the assent of the
Right Hon'ble the Governor General of India.*

*An Act to modify Regulation I. of 1820 of the Madras Code, relative to
Manufacturing Spirituous Liquors by the European process of distillation.*

I. **W**HEREAS it is expedient to modify Regulation I. of 1820 of the Madras Code, and to allow persons manufacturing Spirituous Liquors by the European process of distillation to dispose of the same under certain conditions for consumption within the Territories of the Presidency of Fort St. George : and whereas it is desirable to remove certain doubts which have existed as to whether European British subjects are equally with other parties amenable to the Local Authorities in the Provinces for offences committed in violation of the said Regulation I. of 1820 of the Madras Code, it is hereby enacted, that Clauses 2 and 3, Section IV. Regulation I. 1820 of the said Code, be repealed.

II. And it is hereby enacted, that the Licences to be granted under Section IV. Regulation I. 1820 of the Madras Code, for the establishment of all Distilleries for manufacturing Rum, Arrack or other Spirits by process of distillation

ACT No. XXXII. OF 1845.

distillation similar to the European system, shall be prepared according to a form to be approved by the Board of Revenue, and shall contain a stipulation that the whole of the Spirituous Liquor manufactured at such Distillery shall be exported by Sea, or shall be sold only to the Civil or Military Officers of Government empowered to purchase the same on account of the Public Service, or to Abkarry Renters for retail sale within the limits of their respective farms, but not to the licenced retail dealers of Madras contemplated by Section VII. Regulation I. 1813 of the Madras Code.

III. And it is hereby enacted, that any person, whether European or not, who in breach of the stipulation in his Distillery Licence held under the provisions of the foregoing Section and of Clause 1, Section IV. Regulation I. 1820 Madras Code, shall directly or indirectly, sell or permit to be sold any such Spirituous Liquors to any European Sailor or Soldier, or to any Native of India, or other person, save and except to those persons to whom it is hereinbefore declared that such Liquors may be lawfully sold, shall, on proof thereof to the satisfaction of the Collector of Revenue, by whom such Licence shall have been granted be liable to the forfeiture of his Licence, or to a fine not exceeding Rupees 1,000 for every such offence, subject to the confirmation of the Board of Revenue, to whose final decision every such case shall be referred.

IV. And it is hereby enacted, that European British subjects, as well as other parties guilty of the offences specified in Regulation I. of 1820, shall on conviction before the Session Judge or Subordinate Judge of the Zillah, be subject to the penalties therein severally and respectively provided against the commission of such offences save and except that no European British subject shall in any case be liable to hard labor when imprisoned in pursuance of a sentence passed upon him under that Regulation, but that
any

ACT No. XXXII. OF 1845.

any fines which may be imposed for acts done in breach of the provisions of the said Regulation or of the provisions of Sections 2 and 3 of this Act, shall in default of payment be recovered by the distress and sale of the property of the parties against whom such fines shall have been adjudged.

V. And provided also, that it shall be lawful for the Session Judge or Subordinate Judge of the Zillah in sentencing any European British subject to imprisonment to direct that the imprisonment shall be in the Gaol at Madras.

VI. And it is hereby enacted, that the Gaoler of the Gaol at Madras shall receive into the said Gaol any European British subject so sentenced as aforesaid and keep him there imprisoned during the term of his sentence in the same manner as if he had been sentenced by the Supreme Court.

1845/46

Civil and
Ind. 3880.

1847/48
Civil Auditor
June 16/91.

INDEX TO ACTS.

1846.

INDEX

TO THE

ACTS OF THE GOVERNMENT OF INDIA,

FOR 1846.

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
A.	1846.			
Act XIII. of 1838—repealed,...	I.	I.	.....	General.
See Pleadings.				
Administration of the Bhuttee Territory.				
See Bhuttee.				
Agra—See Settlements.				
Ahmednuggur—Certain portion of the Territory in the Zillah of—exempted from the oper- ation of Regulations.				
See Nundoorbar.				
Allahabad—See Settlements.				
Allyghur—See Settlements.				
Arrears of Rent—Under what engagements property dis- trained for—may be restored to parties claiming the same,	X.	I.	.....	Bengal.
„ In default how the distrainer shall recover the value of the property distrained,.....	„	II.		
„ Summary award of Collec- tors in such cases not to be set aside by a suit filed after a certain period,.....	„	III.		
See Regulations.				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
	1846.			
Attachment of Lands in execution of decrees and other process of Civil Courts. See Sale.				
Azimghur—See Settlements.				
B.				
Banda—See Settlements.				
Bareilly—See Settlements.				
Barristers of H. M.'s Courts in India—may plead in Sudder Courts, ... See Pleadings.	I.	V.	.. .....	General.
Bhuttee Territory—The Judicial and Revenue administration of—vested in an Agent and Assistant to be appointed by the Governor General in Council, ...	VI.	II.	.....	N. W. P.
„ Rules to be prescribed for that purpose by the Governor General in Council, ...	„	III.		
„ Nizamut Adawlut shall pass final judgment on criminal trials referred by the Agent, ...	„	IV.		
„ Sudder Dewanny Adawlut shall decide appeals from the decree of the Agent, ...	„	V.		
Bijnour—See Settlements.				
Boats and Catamarans—The Governor in Council of Madras may make Regulations similar in principle to that of Act IV. of 1842, for				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
	1846.			
all Ports and other places of Anchorage respecting, ... Boolundshahur — See Settlements.	IX.	.....	... ..	Madras.
Boundaries of Fields how to be marked for distinguishing their limits, ...	III.	I.	.....	Bombay.
„ Requisition for erecting such marks how to be served, ...	„	II.		
„ Owners or Occupants failing to comply with the requisition, how and by whom its object is to be accomplished, ...	„	III.		
„ Claims of persons out of possession of fields, the cost of the boundary marks of which has been charged to the Revenue of the Village, for a right of ownership shall not be allowed until they shall have made good such charges.	„	IV.		
„ Penalty for removing or injuring such marks, ...	„	V.		
„ Authority for the assessment and realization of costs or penalties in whom to be vested, and the same how to be exercised, ...	„	VI.		
„ Form of Requisition, ...	„			
Budaon—See Settlements.				
C.				
Candeish—Certain portion of the Territory in the Province				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
of—exempted from the operation of general Regulations. See Nundoorbar.	1846.			
Catamarans—See Boats.				
Cawnpore—See Settlements.				
Cotton Wool unscrewed may be exported free of duty from any subordinate Port of the Bombay Presidency to the Port of Bombay, and from any Madras Port which may be exempted from duty, ...	II.	I.	.....	Bombay and Madras.
„ May be imported into Bombay from any part of the Continent of India free of duty.	„	II.		
D.				
Decrees, Execution of—upon Lands. See Sale.				
Delhi—See Settlements.				
Diet Money for Witnesses in petty cases may be regulated by the Magistrates, ...	VII.	.....	.....	Bengal and N. W. Provinces.
Distrain of property for arrears of rent—See Arrears.				
E.				
Estates attached and sold in execution of Decrees of Civil Courts. See Sale.				
Etawah—See Settlements.				
Execution of Decrees upon Lands. See Sale.				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
F.	1846.			
Field boundary marks — See Boundaries. ....	.....	.....	.....	Bombay.
Furruckabad—See Settlements.				
Futtehpore—See Settlements.				
G.				
Goorgaon—See Settlements.				
Goruckpore—See Settlements.				
H.				
Hissar—See Settlements.				
Humeerpore—See Settlements.				
J.				
Jummah, Government—of Vil- lages in the Districts in the N. W. Ps.—See Settlements.				
K.				
Kookurmoondah — See Nun- doorbar.				
L.				
Lands, sale of—in execution of Decrees—See Sale.				
Leases of Villages in the unset- tled Districts in the N. W. Ps. —See Settlements.				
M.				
Madras Port Regulations—See Boats.				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Meerut—See Settlements.	1846.			
Moonsiff's Court—Pleaders in —See Pleaders,				
Moradabad—See Settlements.				
Mozuffernuggur — See Settle- ments				
Muttra—See Settlements.				
Mynpooree—See Settlements.				
N.				
North Western Provinces— Period of Settlement of Vil- lages in Districts in the—de- fined—See Settlements.				
Nundoorbar, Sooltanpore and Kookurmoondah,—The Judi- cial, Police and Revenue ad- ministration of Pergunnahs of—in the Province of Can- deish and the Zillah Ahmed- nuggur vested in an Agent and Assistants to be appointed by the Governor.	XI.	II.	.....	Bombay.
„ Rules for the guidance of the Agent and Assistants to be prescribed by the Governor in Council in respect of de- cisions in Judicial matters. ...	„	III.		
„ Final judgment to be passed by the Sudder Foujdarree Adawlut on criminal trials re- ferred by the Agent.	„	IV.		
„ Sudder Dewanny Adawlut shall decide appeals from the decree of the Agent.	„	V.		

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
P.	1846.			
Paneeput—See Settlements.				
Pleaders—Office of—in Company's Courts open to all persons of approved qualification.	I.	IV.	.....	General.
„ Barristers of H. M.'s Courts in India may act as—in the Sudder Courts subject to rules applicable to Pleaders.	„	V.		
„ Parties may settle remuneration to authorized—Costs awarded to parties in regular suits, and appeals and other cases how to be regulated. ...	„	VII.		
„ Private agreements between parties and Pleaders respecting their remuneration how to be enforced.	„	VIII.		
„ Parties may settle with authorized—the remuneration for legal opinions.	„	IX.		
„ May be fined by Principal Sudder Ameens and Sudder Ameens subject to appeal to Zillah Judges.	„	X.		
„ Rules applicable to—in the Zillah Judges' Courts shall be applicable to Pleaders in the Moonsiffs' Courts.	„	XI.		
„ Moonsiffs may fine—subject to appeal to the Zillah Judge.	„	XII.		
„ Act not to affect Vakeels in the Village Moonsiffs' Courts or employed before the Village or District Panchayets				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
or the Collectors of Zillahs under Regulations IV, V, VII, and XII of 1816 of the Madras Code.—(See Regulations.)... Police of Surat—See Surat. Port Regulations for Madras.— See Boats and Catamarans. Principal Sudder Ameen's Courts—Pleaders in — See Pleaders. R. Regulation XXIII. 1814, Section 15. „ XXVI. 1814, Clause 7, Section 2, Clause 11, Section 3, Clause 4, Section 8. „ XXVII. 1814, Clause 3, Section 3, Section 7, Clause 1, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Clause 1, Section 39. „ XXVIII. 1814, Clause 2, Section 10. „ XIX. 1817, Section 9. „ XI. 1826, Section 6. „ V. 1831, Section 30. „ IX. 1831, Section 7. „ VII. 1832, Section 2. „ XII. 1833, of the Bengal Code and Act No. XIII. of 1838, repealed. „ VI. 1816, Clauses 2 and 3, Section 14.	1846. I. „	XIII. I.	.....	Bengal.

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
	1846.			
Regulation XIV. 1816, Section 7, Clause 1, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35.				
„ XV. 1816, Clause 7, Section 4, Clause 11, Section 5, Clause 4, Section 8.				
„ I. 1827, Clause 3, Section 6.				
„ VII. 1827, Clause 3, Section 6.				
„ VI. 1828, Section 5.				
„ IV. 1832, Section 4, of the Madras Code—repealed.	I.	II.	.....	Madras.
„ II. 1827, Clause 3, Section 47, Clause 2, Section 48, Section 55 of the Bombay Code.				
„ XXIX. 1827, so much of Clause 1, Section 7, of—as empowers the Deccan and Kandeish Judges to examine and grant Certificates to Pleaders—repealed.....	„	III.	.....	Bombay.
„ XXVII. 1814, Section 25 of the Bengal Code, .....	.....	.....	.....	Bengal.
„ XIV. 1816, Section 25 of the Madras Code, .....	.....	.....	.....	Madras.
„ II. 1827, Section 52 of the Bombay Code shall cease to be enforced except for the purpose mentioned,.....	„	VI.	.....	Bombay.
„ XXVII. 1814, so much of Section 20 of the Bengal Code and of				
„ XIV. 1816, Section 20 of the Madras Code as prescribe				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
	1846.			
rates of fees to Pleaders for legal opinions, repealed—See Pleaders.	I.	IX.		
„ I. 1793, so much of Sections 10 and 11 of—as relates to the adjustment of the Government Jumma on lands exposed to public sale in satisfaction of Decrees.				
„ XXVII. 1795, Section 7, do. do.				
„ XXV. 1803, Sections 37 and 38, do. do.				
„ IX. 1805, Sections 27 and 28, do. do.				
„ XLV. 1793,				
„ XX. 1795,				
„ XII. 1796,				
„ XXVI. 1803, Sections 15 to 26, and so much of Sections 27 and 28 of the same Regulation as relates to the satisfaction of Decrees,				
„ VII. 1825, Clauses 2 and 3, Section 4, Bengal Code, repealed.....	IV.	I.		
Regulations which extend any of the above Regulations also repealed, ...	„	II.		
Reg. IV. of 1830, so much of Clause 1, Section 1,—of Bombay Code, as reserves to the control of the Judge and his Assistants, the Police jurisdiction of Surat—repealed...	V.	.....	.....	Bombay. Regulation

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Regulation V. of 1832, of the Bengal Code shall cease to have effect in the Bhuttee Territory.	1846.			
„ III. 1812, Clause 1, Section 2, of Bengal Code, modified.	VI.	I.		
„ VII. 1799, Section 9,	VII.			
„ V. 1800, Section 9,				
„ XXVIII. 1803, Clause 2, Section 17, of the Bengal Code, respecting arrears of rent, modified.	X.	.....	.....	Bengal.
„ XXIX. of 1827, so much of Appendix A, of—Bombay Code, as declares the Villages contained in the Schedule annexed to Act XI. of 1846, and the lands attached thereto subject to the Regulations for the administration of Civil and Criminal Justice in the Bombay Presidency, repealed.....	XI.	I.		
Remuneration of Pleaders in the Company's Courts—See Regulations, Acts and Pleaders.				
Rohtuck—See Settlements.				
S.				
Sale of Lands in execution of Decrees—certain Regulations of the Bengal Code relating to, repealed.....	IV.	I.	.....	Bengal and N. W. P.
See Regulations.				

Sale

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
	1846.			
Sale of lands.—Regulations which extend any such Regulations also repealed.	IV.	II.		
„ Attachments and Sales of lands in satisfaction of Decrees or other Process shall be made by Civil Courts (those in the North Western Provinces excepted) or under their directions according to the existing Rules relating thereto.	„	III.		
„ What particulars a decreeholder shall furnish with his application to the Civil Court for the sale of lands paying revenue to Government.	„	IV.		
„ What amount to be deposited by the purchaser at such sales and the same how disposable in case of default of payment of the purchase money, and the land how to be sold afterwards.	„	V.		
„ Collectors or their Subordinate Officers in the North Western Provinces may attach and sell lands in satisfaction of Decrees upon the requisition of Civil Courts except in cases specified.....	„	VI.	.....	N. W. P.
„ In the said Provinces such requisitions shall contain what particulars.	„	VII.		

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Sale of Lands. In the said Province the Collector shall issue a proclamation of an intended sale and to what effect.	1846.			
„ In the said Provinces, Section V. of this Act shall be applicable to such sales.	IV.	VIII.		
„ Definition of the nature of such sales.....	„	IX.		
„ Rules to be framed by the Sudder Courts and approved by the Governor General in Council.....	„	X.		
„ Act not to affect applications made by the Civil Courts to the Revenue authorities for the sale of lands before the passing of this Act.	„	XI.		
„ Act not to affect processes of the Supreme Court, Court of Requests, or the Courts in the Straits Settlements.....	„	XII.		
„	„	XIII.		
Seharunpore — See Settlements.				
Settlements of Villages in Districts in the North Western Provinces — Period of the existing—defined.....	VIII.	I.	.....	N. W. P.
„ Jummah of Mouzahs transferred from the unsettled to permanently settled Districts not liable to increase.....	„	II.		
„ Grants or Leases for longer period than those specified in the 1st Section may be held				

	<i>Acts.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
till the terms of such grants or leases.	1846. VIII.	III.		
„ Before the expiration of engagements previous notice of what period to be given by parties of their intention to relinquish leases.	„	IV.		
„ In default of such notice par- ties shall be bound to pay the Jummah as already set- tled till the settlement be revised or in perpetuity.	„	V.		
„ Government may always de- mand revenue from resumed rent-free lands, alluvial Tow- feer, &c., not assessed at the Settlement.	„	VI.		
Shajehanpore—See Settlements.				
Sooltanpore—See Nundoorbar.				
Sudder Ameens' Courts—Plead- ers in— See Pleaders.				
Surat. The Police jurisdiction of the City of—vested in the Magistrate. See Regulation.	V.			
V.				
Vakeels—See Pleaders.				
W.				
Witnesses—Diet money for— in petty cases may be regu- lated by the Magistrates.	VII.	.....	.....	Bengal and N. W. P.

ACT No. I. OF 1846.

*Passed by the Hon'ble the President of the Council of India
in Council on the 7th January 1846, with the assent of the
Right Hon'ble the Governor General of India.*

*An Act for amending the Law regarding the appointment and remuneration
of Pleaders in the Courts of the East India Company.*

I. **I**T is hereby enacted, that Section 15, Regulation XXIII. 1814, Clause Seventh, Section 2, Clause Eleventh, Section 3, Clause Fourth, Section 8, Regulation XXVI. 1814, Clause Third, Section 3, Section 7, Clause First, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Clause First, Section 39, Regulation XXVII. 1814, Clause Second, Section 10, Regulation XXVIII. 1814, Section 9, Regulation XIX. 1817, Section 6, Regulation XI. 1826, Section 30, Regulation V. 1831, Section 7, Regulation IX. 1831, Section 11, Regulation VII. 1832, Regulation XII. 1833 of the Bengal Code, and Act No. XIII. of 1838, be repealed.

II. And it is hereby enacted, that Clauses Second and Third, Section 14, Regulation VI. 1816, Section 7, Clause First, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Regulation XIV. 1816, Clause Seventh,
Section

ACT No. I. OF 1846.

Section 4, Clause Eleventh, Section 5, Clause Fourth, Section 8, Regulation XV. 1816, Clause Third, Section 6, Regulation I. 1827, Clause Third, Section 6, Regulation VII. 1827, Section 5, Regulation VI. 1828, Section 4, Regulation IV. 1832 of the Madras Code, be repealed.

III. And it is hereby enacted, that Clause Third, Section 47, Clause Second, Section 48, Section 55, Regulation II. 1827 of the Bombay Code; and so much of Clause First, Section 7, Regulation XXIX. 1827 of the same Code, as empowers the Zillah Judges of the Deccan and Kandeish to examine Pleaders and grant Certificates of qualification to practice in their Courts, be repealed.

IV. And it is hereby enacted, that the Office of Pleader in the Courts of the East India Company shall be open to all persons of whatever nation or religion, provided that no person shall be admitted a Pleader in any of those Courts unless he have obtained a Certificate in such manner as shall be directed by the Sudder Courts that he is of good character and duly qualified for the Office, any Law or Regulation to the contrary notwithstanding.

V. Provided nevertheless, and it is hereby enacted, that every Barrister of any of Her Majesty's Courts of Justice in India, shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject however to all the Rules in force in the said Sudder Courts applicable to Pleaders whether relating to the language in which the Court is to be addressed or to any other matter.

VI. And it is hereby enacted, that Section 25, Regulation XXVII. 1814, of the Bengal Code, Section 25, Regulation XIV. 1816, of the Madras Code, and Section 52, Regulation II. 1827, of the Bombay Code, shall cease.

to

ACT No. I. OF 1846.

to be enforced, excepting for the purpose specified in Section VII. of this Act.

VII. And it is hereby enacted, that parties employing authorized Pleaders in the said Courts shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and that it shall not be necessary to specify such agreement in the Vakalut-nama; provided that when costs are awarded to a party in any regular Suit, original or appeal, decided on the merits, against another party, the amount to be paid on account of fees of Pleaders, shall be calculated according to the Rules contained in the Sections of Regulations specified in Section VI. of this Act; and that when costs are awarded in other cases the amount to be paid on account of such fees shall be one-fourth of what it would have been in a regular Suit decided on its merits.

VIII. And it is hereby enacted, that private agreements between parties and their Pleaders respecting the remuneration to be paid for professional services shall not be enforced otherwise than by a regular Suit.

IX. And it is hereby enacted, that so much of Section 20, Regulation XXVII. 1814, of the Bengal Code, and of Section 20, Regulation XIV. 1816 of the Madras Code, as prescribes the rate of fees to be received by authorized Pleaders for legal opinions, be repealed; and that persons taking such opinions from authorized Pleaders shall be at liberty to settle with them by private agreement the remuneration to be paid for such opinions.

X. And it is hereby enacted, that whenever a Pleader has rendered himself liable to a fine in the Court of a Principal Sudder Ameen or Sudder Ameen, it shall be competent to such Principal Sudder Ameen or Sudder Ameen

ACT No. I. OF 1846.

Ameen to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final.

XI. And it is hereby enacted, that the Rules applicable to Pleaders in the Courts of the Zillah and City Judges, shall henceforth be applicable, so far as they are capable of application, to Pleaders in the Moonsiffs' Courts.

XII. And it is hereby enacted, that whenever a Pleader has conducted himself in such a manner in the Court of a Moonsiff as would have rendered him liable to a fine if he had so conducted himself in the Court of a Zillah or City Judge, it shall be competent to such Moonsiff to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final.

XIII. And it is hereby enacted, that nothing in this Act contained shall apply to Vakeels who may be employed in the Courts of the Village Moonsiffs, or before the Village or District Panchayets, or before the Collectors of Zillahs, under the Provisions of Regulations IV., V., VII. and XII. 1816 of the Madras Code.

ACT No. II. OF 1846.

*Passed by the Hon'ble the President of the Council of India
in Council on the 7th January 1846, with the assent of the
Right Hon'ble the Governor General of India.*

*An Act relating to unscrewed Cotton exported from the Continent of India and
imported at the Bombay Presidency.*

I. **I**T is hereby enacted, that unscrewed Cotton Wool shall be allowed to be exported from any Subordinate Port of the Bombay Presidency to the Port of Bombay, free of the Duty specified in Schedule B of Act No. I. of 1838, and to the Port of Bombay from any Port of the Madras Presidency, free of the Duty specified in Schedule B of Act No. VI. of 1844, to which Port of the Madras Presidency the Governor in Council thereof may from time to time be pleased by a Notification in the Official Gazette to grant such exemption of that Duty: Provided that the Cotton Wool so exported shall not be shipped on a Square-rigged Vessel.

II. And it is hereby enacted, that Cotton Wool shall be allowed to be imported into the Port of Bombay, from any part of the Continent of India, free of the Duty specified in Schedule A of the said Act No. I. of 1838.

ACT No. III. OF 1846.

*Passed by the Hon'ble the President of the Council of India
in Council on the 7th January 1846, with the assent of the
Right Hon'ble the Governor General of India.*

*An Act for the establishment and maintenance of field boundary marks in the
Presidency of Bombay.*

WHEREAS it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the public revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields :

I. . It is hereby enacted, that it shall be lawful, within the territories subject to the Presidency of Bombay, for such Revenue Officers as the Governor in Council may entrust with that authority to require that marks be erected and maintained by the Owners or Occupants on the boundaries of fields, of such materials, and in such number as may appear to such Officers sufficient for permanently distinguishing the limits of those fields.

II. And

ACT No. III. OF 1846.

II. And it is hereby enacted, that the requisition shall be served on the persons owning or occupying each field according to the Form A. annexed to this Act, and in the event of these persons not being found in the Village, that the said requisition shall be posted at the Village Chowree or other conspicuous place in the Village, which shall be held to be a sufficient service.

III. And it is hereby enacted, that in default of the Owners or Occupants of the fields complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such field boundary marks, the cost of which shall be equitably apportioned on the fields which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, or if there are no such persons forthcoming, to the revenues of the Village in which the fields are situated.

IV. And it is hereby enacted, that no person being out of possession and claiming a right of ownership or occupancy in fields, the cost of erecting or maintaining whose boundary marks has been charged to the revenues of the Village, in consequence of his neglecting to defray the same, shall have his claim allowed until he makes good all sums so charged.

V. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing, or injuring field boundary marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed, or injured, one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark.

VI.

ACT No. III. OF 1846.

VI. And it is hereby enacted, that authority for the assessment and realization of all sums due under the provisions of this Act, whether as costs or penalties, shall be vested in the Revenue Officers authorized to provide for the erection and maintenance of field boundary marks, and shall be exercised by them in conformity with the rules prescribed for the assessment and realization of Revenue demands in general, and that the proceedings of those Officers in all such matters shall be recorded in writing, and shall be subject to appeal to the Revenue Authorities to whom they are subordinate.

FORM A.

Whereas you are the Owner (Occupant as the case may be) of the field
in the Village of you are hereby
required to fix boundary marks to the said field (by ridging or raising
mounds of earth at the angles, or in such other mode as may be determined)
or to repair its present boundary, within days from this date, in default
of which the same will be done by the Government Officers, and the cost
recovered from you under Act III. of 1846.

ACT No. IV. OF 1846.

*Passed by the Hon'ble the President of the Council of India
in Council on the 7th January 1846, with the assent of the
Right Hon'ble the Governor General of India.*

*An Act for amending the Law regarding the Sale of Land in Execution of
Decrees in the Territories subject to the Presidency of Fort William in
Bengal.*

I. **I**T is hereby enacted, that so much of Sections 10 and 11, Regulation I. 1793, Section 7, Regulation XXVII. 1795, Sections 37 and 38, Regulation XXV. 1803, and Sections 27 and 28, Regulation IX. 1805, as relates to the Adjustment of the Government Jumma on lands exposed to public sale in satisfaction of the decrees of the Courts of Civil Judicature, Regulations XLV. 1793, XX. 1795, and XII. 1796, Sections 15 to 26, (both inclusive) Regulation XXVI. 1803, so much of Sections 27 and 28 of the same Regulation as relates to the satisfaction of decrees, and Clauses Second and Third, Section 4, Regulation VII. 1825, all of the Bengal Code, be repealed.

II. And

ACT No. IV. OF 1846.

II. And it is hereby enacted, that all Regulations or parts of Regulations which extend any of the Regulations or parts of Regulations herein before repealed, be also repealed.

III. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, except the North West Provinces, attachments and sales of land, or of any interest in land in satisfaction of the decrees or other process of the Courts of Civil Judicature, shall be made by such Courts or under their directions, and that the Rules now in force for the attachment and sale of such real property as the Courts of Civil Judicature are now authorized to sell in satisfaction of decrees, without application to the Revenue Authorities, shall apply to attachments and sales made under the authority of this Act.

IV. And it is hereby enacted, in addition to the said Rules, that in the said Territories, except as aforesaid, whenever a holder of a decree of any Court of Civil Judicature shall apply to such Court for the sale in execution of any Estate paying Revenue to Government, or any portion of any such Estate, he shall, at the time of making such application, file an authenticated Extract from the Register of the Collector's Office, specifying the Jumma of such Estate, which shall be inserted in the Notification of Sale.

V. And it is hereby enacted, in addition to the said Rules, that in the said Territories, except as aforesaid, the purchaser at any such sale shall be required to deposit immediately either in Cash, Bank of Bengal Notes, or Post Bills, or Government Securities duly endorsed, fifteen per cent. on the amount of his bid, and in default of such deposit such land or interest therein shall forthwith be put up again and sold, and if the purchaser having
paid

ACT No. IV. OF 1846.

paid the deposit required shall neglect or refuse to pay the purchase money, within the period which may be stipulated, the deposit shall be forfeited and shall be applied as if it were purchase money, and the land or interest therein, or such portion thereof as may be sufficient to satisfy what remains due, shall be again put up to sale, due notification having been first given.

VI. And it is hereby enacted, that in the North West Provinces of the Territories subject to the Presidency of Fort William in Bengal, attachments and sales of land or of any interest in land in satisfaction of the decrees or other process of the Courts of Civil Judicature, shall (except in the case of land which the Courts themselves are now by law authorized to attach and sell) be made by the Collector or any of his subordinate Officers under his directions, upon the requisition of such Courts.

VII. And it is hereby enacted, that in the last mentioned Provinces, every such requisition shall specify the number of the suit, the Court which made the decree, the amount to be realized, the names of the parties, distinguishing those whose land or interest it is intended to sell, and the amount for which each is liable, if they are severally liable, and the land or interest which each is alleged in the Schedule of the party applying for execution to be possessed of.

VIII. And it is hereby enacted, that in the last mentioned Provinces the Collector shall issue a Proclamation in the current language of the country of any intended sale of land or any interest therein, thirty days at least before the day appointed for the sale, exclusive of the day of sale, and of the day on which the Proclamation is issued, and the said Proclamation shall specify the name of the person whose land or whose rights and interests in certain land are to be sold, and the Jumma of the Estate
constituting

ACT No. IV. OF 1846.

constituting the property, or in which the property is situate ; also particulars of the property to be sold, of the time and place of sale, and of the amount due for the recovery of which the sale is ordered, and such Proclamation shall be fixed up in some conspicuous place within the village or town in which the said land is situate, or which is nearest to the said land, and in the Cutcheries of the Local Moonsiff, of the Collector, of the Zillah or City Judge, and of the Court from which the requisition issued.

IX. And it is hereby enacted, that in the last mentioned Provinces the provisions contained in Section V. of this Act shall be applicable to sales of land or any interest in land in execution of decrees of Court or other Judicial process.

X. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, sales of land or of any interest in land in execution of decrees of Court or other Judicial process, shall be of the nature of private transfers.

XI. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, the Courts of Sudder Dewanny Adawlut shall, from time to time, frame such Rules as to them shall seem meet, and as shall not be repugnant to any thing in this Act contained, for the attachment and sale of property in satisfaction of decrees or other process of the Courts of Civil Judicature, which Rules shall, after they have been approved by the Governor General of India in Council, have the same force as if they had been part of this Act, until revoked by the said Courts of Sudder Dewanny Adawlut with the approbation of the said Governor General of India in Council, or by the said Governor General of India in Council.

XII. And

ACT No. IV. OF 1846.

XII. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, all applications which may have been made by the Courts of Civil Judicature to the Revenue Authorities for the sale of land, or of any interest in land in satisfaction of decrees or other process of such Courts, previously to the passing of this Act, shall be proceeded upon as if this Act had not been passed.

XIII. And it is hereby enacted, that nothing contained in this Act shall affect the process of Her Majesty's Supreme Court of Judicature, or of the Court of Requests at Calcutta, or of any Court in the Settlements in the Straits of Malacca.

ACT No. V. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act for placing the Police of Surat under the Magistrate.

WHEREAS it has been judged expedient that the Police jurisdiction of the City and Sudder Station of Surat should be vested in the Magistrate of the said Zillah :

It is hereby enacted, that so much of Clause 1st, Section 1, Regulation IV. of 1830 of the Bombay Code as reserves to the control of the Judge and his Assistants the Police jurisdiction of the City and Sudder Station of Surat, be repealed.

ACT No. VI. OF 1846

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act for the more convenient administration of the Government of the Country called the Bhuttee Territory.

WHEREAS much inconvenience has resulted from maintaining as a part of the Delhi Division, the large and thinly peopled tract of Country called the Bhuttee Territory, extending from the borders of the Hissar District to the Ghana or Sutlege :

I. It is hereby enacted, that from and after the 1st day of January 1847, the provisions of Regulation V. of 1832 of the Bengal Code, shall cease to have effect in the said Bhuttee Territory, consisting of the following Pergunnahs :

Durbah.	Sirsa.	Raneeah.
Goodah.	Mullout.	Wuttoo.

II. And it is hereby enacted, that from and after the said day the administration of Civil and Criminal Justice, the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within the said Territory, shall vest in such Agent as the Governor General of India in Council shall appoint, and shall be exercised by the

ACT No. VI. OF 1846.

said Agent with the aid of such Assistants as shall be appointed by the said Governor General of India in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor General of India in Council to prescribe such Rules as he may deem proper for the guidance of the Agent aforesaid, and of all the Officers subordinate to his controul and authority, in all Judicial and Revenue proceedings, and to determine to what extent the decision of the Agent in Civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials, and what cases he shall submit to the decision of the Nizamut Adawlut.

IV. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the said Governor General of India in Council, the Nizamut Adawlut shall proceed to pass a final judgment, or such other order as may after mature consideration, seem to the Court requisite and proper and in conformity with the prescribed rules.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly preferred under the Rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it as to them may seem right and proper and in conformity with the prescribed rules.

ACT No. VII. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act regarding the Deposit of Diet Money for Witnesses in petty cases.

IT is hereby enacted, in modification of Clause 1, Section 2, Regulation III. 1812, of the Bengal Code, that in the Territories subject to the Presidency of Fort William in Bengal, it shall be lawful for the Magistrates to regulate the amount of Diet Money required for Witnesses in petty cases, with reference to the probable period such Witnesses may have to be in attendance, and in the event of the prolonged detention of Witnesses to direct the deposit of any further sum which to the said Magistrates may seem requisite.

ACT No. VIII. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act for determining the duration of the existing Settlement of the North Western Provinces.

WHEREAS the settlement of the several Districts of the North Western Provinces has been made for different periods, and whereas from several causes the duration of the settlement as stated in the engagements of the Malgoozars does not always agree with that sanctioned by the Government, and whereas it is necessary to avoid the confusion and litigation which may hence arise, and also to provide for the continuance of the existing settlements till a fresh revision shall take place :

I. It is therefore hereby enacted, that the Jummah of all villages included on 1st May 1846, within the limits of the Districts in the said Provinces noted below, shall be considered fixed till the date inserted opposite

ACT No VIII. OF 1846.

site to each District, so far as regards the claim of the Government to any increase upon the Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May 1846.

Paneeput, July 1st 1872, one thousand eight hundred and seventy-two.

Hissar, July 1st 1860, one thousand eight hundred and sixty.

Delhi, July 1st 1870, one thousand eight hundred and seventy.

Rohtuck, July 1st 1870, one thousand eight hundred and seventy.

Goorgaon, July 1st 1872, one thousand eight hundred and seventy-two.

Sheharunpore, July 1st 1857, one thousand eight hundred and fifty-seven.

Mozuffernugger, July 1st 1861, one thousand eight hundred and sixty-one.

Meerut, July 1st 1865, one thousand eight hundred and sixty-five.

Boolundshehur, July 1st 1859, one thousand eight hundred and fifty-nine.

Allyghur, July 1st 1868, one thousand eight hundred and sixty-eight.

Bijnour, July 1st 1866, one thousand eight hundred and sixty-six.

Moradabad, July 1st 1872, one thousand eight hundred and seventy-two.

Budaon, July 1st 1866, one thousand eight hundred and sixty-six.

Bareilly,

ACT No. VIII. OF 1846.

Bareilly, July 1st 1867, one thousand eight hundred and sixty-seven.

Shajehanpore, July 1st 1868, one thousand eight hundred and sixty-eight.

Muttra, July 1st 1871, one thousand eight hundred and seventy-one.

Agra, July 1st 1872, one thousand eight hundred and seventy-two.

Furruckabad, July 1st 1865, one thousand eight hundred and sixty-five.

Mynpoory, July 1st 1870, one thousand eight hundred and seventy.

Etawah, July 1st 1871, one thousand eight hundred and seventy-one.

Cawnpore, July 1st 1870, one thousand eight hundred and seventy.

Futtehpore, July 1st 1870, one thousand eight hundred and seventy.

Humeerpore, July 1st 1872, one thousand eight hundred and seventy-two.

Banda, July 1st 1874, one thousand eight hundred and seventy-four.

Allahabad, July 1st 1869, one thousand eight hundred and sixty-nine.

Goruckpore, July 1st 1859, one thousand eight hundred and fifty-nine.

Azimgurh, July 1st 1867, one thousand eight hundred and sixty-seven.

II. And it is hereby enacted, that in the said Provinces, Mouzahs, standing transferred on the above date of May 1st 1846, from Districts or Pergunnahs not permanently settled, to Districts or Pergunnahs permanently settled, shall not be held liable to any increased demand on the part of the Government, but shall be held for ever on the highest Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May 1846.

III. Provided

ACT No. VIII. OF 1846.

III. Provided always and it is hereby declared, that persons holding land on special grants or on leases for longer periods than those specified in Section I. shall continue to hold them according to the terms of their several grants or leases.

IV. And it is hereby enacted, that whenever a Malgoozar may be desirous to relinquish his lease on the expiration of the term of his engagement he shall be at liberty to do so, provided that he give notice thereof in open Court and in writing to the Collector and to the Commissioner of the Division within one year before the 1st of July immediately preceding the expiration of the engagement.

V. And it is hereby enacted, that when such notice shall not have been given as aforesaid, the Malgoozar shall be held bound to pay the Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to the 1st of May 1846, for the period which may be applicable to his case according to Section I., and subsequently from year to year till the settlement be revised, or in perpetuity according to Section II.

VI. Provided however, and it is hereby declared, that nothing in this Act shall bar the right of the Government to demand revenue from any resumed rent-free land, alluvial Towfeer, or other land which was not assessed at the time of settlement.

ACT No. IX. OF 1846.



*Passed by the Hon'ble the President of the Council of India
in Council on the 5th December 1846, with the assent of the
Right Hon'ble the Governor General of India.*

An Act for authorizing the Government of Fort St. George to provide Regulations for the several Ports and Places of anchorage within the Territories subject thereto.

WHEREAS Act IV. of 1842, entitled an Act for the better management of Boats and Catamarans, in the Madras Roads, and for the amendment of certain Harbour Regulations, has been found by experience to operate beneficially ; and whereas it is expedient that Regulations similar in principle to the provisions contained in the said Act, but varying in detail if local circumstances require such variation, should be provided for all Ports and other places of anchorage within the Territories subject to the Government of the Presidency of Fort St. George :

I. It is therefore hereby enacted, that the Governor in Council of Fort St. George may from time to time make, in respect of each Port or other Place of anchorage within the Territories subject to the Government of the said Presidency, such Regulations for the management of Boats and Catamarans and such other matters as are provided for by the said Act IV.

of

ACT No. IX. OF 1846,

of 1842 in respect of the Madras Roads, as to them shall seem expedient, being similar in principle to the provisions contained in the said Act, but varying in detail, if local circumstances require such variation. And all such Regulations shall be submitted for confirmation or disallowance to the Governor General of India in Council, and every such Regulation shall have the force of Law after it shall have been confirmed by the Governor General of India in Council.

ACT No. X. OF 1846.



Passed by the Hon'ble the President of the Council of India in Council on the 5th December 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act for regulating the proceedings in certain cases of distraint for Arrears of Rent.

I. It is hereby enacted, in modification of Section 9, Regulation VII. of 1799, Section 9, Regulation V. of 1800, and Clause 2, Section 17, Regulation XXVIII. of 1803, all of the Bengal Code, that if any person not being such a defaulter as is therein mentioned or responsible for him, shall claim as his right property which has been distrained for arrears of rent due from the said defaulter, and shall within five days, reckoning from the day after attachment, enter into a bond before the Collector of the Zillah or the Commissioner appointed under Act I. of 1839, with good security binding himself to institute before the Collector within fifteen days from the date of such bond, a summary suit against the distrainer and defaulter for the trial of the right, and to restore the property or make good its value in case the claim be disallowed with all costs of suit and damages, the distrainer shall immediately withdraw the attachment.

II. Provided always and it is hereby enacted, that if the claimant shall not within the said fifteen days institute such summary suit, it shall be
lawful

ACT No. X. OF 1846.

lawful for the distrainer to recover the value of the property distrained, together with the expences of the attachment, by attachment and sale of the personal property of the claimant, or his surety, or both, unless the claimant shall restore the property, or, if the distrainer prefer it, make good its value.

III. And it is hereby enacted, that no suit to set aside the summary award of the Collector under this Act, shall be brought after the expiration of one year from the date of such award.

Civil Auditor Indno 3888 46/47.

ACT No. XI. OF 1846.



*Passed by the Hon'ble the President of the Council of India
in Council on the 12th of December 1846, with the assent of the
Right Hon'ble the Governor General of India.*

*An Act for the exemption of certain Territory in the Province of Candeish and the
Zillah Ahmednuggur from the operation of the General Regulations.*

WHEREAS it has been deemed expedient to exempt from the jurisdiction of the Civil and Criminal Courts of the Bombay Presidency certain portions of the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah in the Province of Candeish and the Zillah Ahmednuggur :

I. It is hereby enacted, that from and after the First day of February 1847, so much of Appendix A. of Regulation XXIX. of 1827 of the Bombay Code as declares the Villages contained in the Schedule annexed to this Act, and the lands attached thereto (being parts of the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah, in the Province of Candeish and the Zillah Ahmednuggur) subject to the Regulations established for the administration of Civil and Criminal Justice in the Bombay Presidency, be repealed.

II. And

II. And it is hereby enacted, that from and after the said day the administration of Civil and Criminal Justice, the Superintendence of the Police and the Collection and Superintendence of the Revenues of every description within the said portions of Territory shall vest in such Agent to the Governor of Bombay as shall be appointed by the Governor of Bombay in Council, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor in Council, by an Order in Council, to prescribe such rules as he may deem proper for the guidance of the Agent aforesaid and of all the Officers subordinate to his controul and authority, and to determine to what extent the decision of the Agent in Civil suits, shall be final and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials and what cases he shall submit to the decision of the Sudder Foujdaree Adawlut.

IV. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor in Council, the Sudder Foujdaree Adawlut shall proceed to pass a final judgment, or such other order as may after mature consideration, seem to the Court requisite and proper in the same manner as if the trial had been sent up in ordinary course from a Session Judge.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly prepared under the Rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it in the same manner as appeals from the Zillah Courts.

SCHEDULE.

List of Villages belonging to the Seven Mowass Chieftains in the Province of Candeish comprehended in the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah.

<i>Names of Chiefs.</i>	<i>Inhabited.</i>	<i>Uninhabited.</i>	<i>Names.</i>	<i>Inhabited.</i>	<i>Uninhabited.</i>
1. Gunput Sing Wulud Chundrusing Rana of Boodhawul.	Dekatee. Hulalpoor. Boodhawulee. Khooshguvhan. Ashté. Khar. Mendwur. Jamleegoora. Walhercee. Boodhawul. Lobabhane. Somawul Boojrook. Muthawul. Sherveé. Ekdhur. Relapara.	Nuwagaom. Somawul Khoord. Bho Bhat. Prutappoor. Nuwulpoor. Rajveera. Kullumbee Veecheer. Ghoghat. Ramgur. Pethapoor.	2. Oomed Wulud Luxoomun Parvee of Katee.— (Continued.)	Oomla. Raool K Sendree. Kookreepadur. Kujanee. Honakhamb. Gulleté Boojrook. Nuwagaon. Gungapoor. Kewara Mohee.	
			3. Oomed Wulud Pa-cha Parvee of Nal.	Goolyamba.	Nal. Veepoor. Nuwagaon. Sane Veecheer. Jeeree Sawur. Tunuk Molee.
	Katee. Bhugduree. Wunwa. Jamna. Beer. Samur. Kujal. Velkhoodree. Mogreebar. Gorapeebar. Nulwunbara. Jagtee. Arootee. Kewuree. Chapree. Pandhreematee. Pimpurkhoota. Soorgus. Beejulguvhan. Balaghat. Vehugee. Chunwacee. Balkra. Gojeebara. Oghancee. Dunacee. Soorpanvavee. Suree. Kunkal. Koelee veecheer. Sonachee pardee. Kakurpara. Ghutwane. Rajmohee. Khutas Kharee. Khae. Heerancee. Dab. Duhel. Mooreera. Waree. Kudwalee. Gudwane. Bokharee. Polguvhan. Oomtee. Veree. Pimpurpan. Maeechamal. Mogree. Bumhune. Somkharee. Ras. Ghuttula. Mogra. Moolgee. Bhurkoond. Vele. Oomreeguvhan. Jamlee. Bhagrapan.	Khutkoowa. Bamhungaon. Gullotté Khoord. Akul Koowa. Horapara. Ankooshee Veecheer. Guvhane. Peotee. Mojra. Dhankbaree. Kotlee. Muhan. Dhobreepeeta. Tulow. Cheekhlee. Ghora Devee. Koowa. Kolwee. Kolweechmal. Nendwun. Patpara. Kulmunda. Wurphullee. Bhutaree. Poke Khara.		4. Bickna Wulud Ralla Parvee of Singpoor.	Singpoor Boojrook. Singpoor Khoord. Babhulpoor.
2. Oomed Wulud Luxoomun Parvee of Katee.			5. Khatia Wulud Nana Wulwee Bheel of Guvhallee.	Guvhallee. Bar. Pechreedo. Kakriamba. Hatwaryawur. Morkee. Nagur Motee. Rajkoora. Raisingpoora. Oodun. Bhereewoa.	Pandhreepara. Doduv. Lalpoor. Korkher. Khurkoond. Bukhtar. Pala. Bhooyuvao. Kakurkhore. Rajnee. Khoord Mukookha ree. Koowurvae. Talamba. Wurkoond. Koomree. Khurgia Moramba. Boreeguvhan. Bhomete. Kalamba. Phoolwaree. Kelwun. Bhoee Kuraj Dorkee. Jamwa. Gotpara. Joojuv. Ookhulsar. Rajneebara. Ambabar. Borkee Dokhee. Matha Koond. Gugriamba. Lalbhurdee. Joonatana. Moramba. Kadlee. Gondwun. Ghora. Mandara Khoord. Mandara Boojrook. Bhogwur. Goojee. Muhookharee Boojrook. Wajpoor. Talamba. Jamna.

ACT No. XI. OF 1846.

<i>Names.</i>	<i>Inhabited.</i>	<i>Uninhabited.</i>
5. Khatia Wulud Nana Wulwee Bheel of Guvhallee.— (Continued.)		Shindguvhan. Kaniamba. Mograpana. Kulewurkhoord. Rappoora. Koonda. Joonwun. Boogniamba. Sheengwun. Kaniamba. Kondwapara. Kanapara. Kotara. Pardee. Keoreebar. Bhoocera. Guvhan. Koradevee. Jamkhoot. Amleeguvhan. Mathamba. Matha Mogur. Mata Tana. Oodapoor.

<i>Names.</i>	<i>Inhabited.</i>	<i>Uninhabited.</i>
7. Raja Wulud Veslia Parvee.		Sojdan Nuwulpoora.

ABSTRACT.				
	<i>Names of Chieftains.</i>	<i>Inhabited.</i>	<i>Uninhabited.</i>	<i>Total Villages.</i>
1	{ Gunput Sing, Wulud Chandru Sing Rana, of Bhoodawul,..... }	16	10	26
2	{ Oomed Wulud Luxoomun Parvee of Katee,..... }	71	25	96
3	{ Omed Wulud Pacha Parvee of Nal,..... }	1	6	7
4	{ Bhickna Wulud Raila Parvee of Singpoor,..... }	2	1	3
5	{ Khatia Wulud Nana Wulwee Bheel of Guvhallee,..... }	11	70	81
6	{ Koowar Wussawa Wulud Jeewa Wussawa Bheel of Cheekhlee,..... }	12	25	37
7	{ Raja Wulud Veslia Parvee,.... }	0	2	2
	Total,.....	113	139	252

6. Koowur Wusawa Wulud Jeewa Wusawa Bheel of Cheekhlee.	Cheekhlee. Jheereebera. Pateepara. Chatoopara. Raneepoora. Khapur. Gungthé. Lugrée. Jaolee. Kolee wara. Pulas wara. Ooman.	Jhapa Amlee. Khanora. Kokteepara. Khuyerpara. Chanpoor. Oomrancee. Wurgaon. Chotee Ruralee. Bramhungaom. Kuvleeguvhan. Bholwur. Dhabra. Mendee. Kenwura. Khekwur. Dabreeamba. Augut. Rethee. Chapteepara. Rajneewar. Oomanee. Nuwagaon. Nucen Sevree. Nevree. Oomjia.
---	---	---

I N D E X

TO THE

ACTS OF THE GOVERNMENT OF INDIA,

FOR 1847.

A.	Act.	Section.	Clause.	Territorial Scope of the Acts.
Act V. of 1840—The meaning of the words “H. M.’s Courts of Justice” in Sec- tion IV. of—declared..... (See Declaration — Affir- mation and Courts of the Justices of the Peace.)	II.	.....	.....	H.M.’s Justices of the Peace.
Acts XXI. of 1835 and XXII. of 1844 not to apply to Cop- per Currency of the Settle- ments of Penang, Singa- pore and Malacca. (See Copper Coins.)	VI.	I.	.....	Straits Settle- ments.
Act XV. of 1842—Emigra- tion to Mauritius from Ma- dras, allowed under— (See Emigration.)	VIII.	I.	.....	Madras.
Act XXX. of 1836—amend- ed. (See Transportation.)	X.			
Act XIV. of 1839—So far as its Provisions prohibit Emi- gration of the Natives of India to the Island of Cey- lon—repealed. (See Emigration and Cey- lon.)	XIII.	I.	.....	General.

Act

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
Act XXIV. of 1840—Relating to the collection and disbursement of Assessments for the Town of Calcutta, repealed.	1847.			
Act XX. of 1845—Containing Articles of War—repealed.	XVI.	I.		
Act XXXI of 1838—Section XVII., modified. (See Transportation.)	XIX.	I.		
Affirmation—(See Courts of the Justices of the Peace.)	XXIII.			
Alluvial Lands—(See Lands.)				
Appeals—Defaults in the prosecution of—(See Defaults.)				
Arrears of small rents of premises in Calcutta how to be recovered hereafter by distress—(See Distraining Bailiffs.)				
Articles of War made for the Government of Native Officers and Soldiers and regulating Courts Martial held on them—Articles of War in Act XX. of 1845 to remain in force in what particular respects.	XIX.	II.	.....	General.
„ Preliminaries to be observed before enrolling a Recruit.	„	I.	1	
„ Dismissal of Commissioned, Non-Commissioned Officers and Soldiers shall be subservient to whose orders.	„	„	2	

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War—Certificate of discharge to be given to Non-Commissioned Officers and Soldiers.	1847. XIX.	 I.	 3	
„ Penalty for Non-Commis- sioned Officers or Soldiers enlisting themselves in other Regiments without a regular discharge.....	„	„	4	
„ Mutiny or Sedition.	„	II.	5	
„ Using or offering violence against Superior Officers.	„	„	6	
„ Disobeying Commands. ..	„	„	7	
„ Deserting the Service.....	„	„	8	
„ Sleeping while upon Posts as Sentries, or leaving them without being relieved or without leave, or plunder- ing or injuring property under their charge.	„	„	9	
„ Abandoning or delivering up any Garrison, Fortress, Post or Guard, or induc- ing others to do the same.	„	„	10	
„ Abuse of Watchword.	„	„	11	
„ Corresponding with the Enemy, or suppressing knowledge of such Corres- pondence.	„	„	12	
„ Assisting or relieving the Enemy with money, &c. or harbouring or protecting him.	„	„	13	
„ Allowing Prisoners to es- cape.	„	„	14	

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
	1847.			
Articles of War—Misbehaving before the Enemy or inducing others to do the same.	XIX.	II.	15	
„ Casting away Arms or Ammunition before the enemy.	„	„	16	
„ Going in search of plunder to the neglect of duties. . .	„	„	17	
„ Doing violence to persons bringing provisions to the Camp, forcing safe Guards, or breaking into any house for plunder or plundering fields or gardens.	„	„	18	
„ Raising false alarms.	„	„	19	
„ Releasing or suffering State Prisoners to escape—con- niving at the injury of property in time of War or plundering Treasure, &c... ..	„	„	20	
„ Sentries leaving Posts without being relieved, or without leave while placed over State Prisoners, Treasure, Magazine or Dock Yard— or sleeping upon their Posts or plundering property placed under their charge— If an Officer how to be punished— If a Soldier do. do.	„	„	21	
„ Officers or Soldiers creating unnecessary alarm by spreading Reports during operations in the Field. . .	„	„	22	

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War—In or before	1847.			
Actions creating alarm or despondency.	XIX.	II.	23	
„ Being drunk when on duty.	„	„	24	
„ Striking or forcing any Sentry.	„	„	25	
„ Insubordination or inso- lence of Soldiers to Supe- rior Officers or Courts Mar- tial.	„	„	26	
„ Refusing to assist in making Field Works—If an Offi- cer how to be punished— If a Soldier how to be punished.	„	„	27	
„ Officers improperly behav- ing.	„	„	28	
„ Advising or conniving at Desertion. ...	„	„	29	
„ Obtaining Pensions or Al- lowances by false State- ments or Certificates; or by omitting true State- ments, &c.	„	„	30	
„ Making false Returns or Reports of Men, Arms, Ammunition, &c.	„	„	31	
„ Illegally extorting money or property on any pre- tence, or exacting from Villagers carriage, porter- age or provisions.	„	„	32	
„ Defiling places of religi- ous worship—and insult- ing religious prejudices of				

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
others—If an Officer how to be punished—If a Sol- dier how to be punished. . .	1847. XIX.	II.	33	
Articles of War—Leaving ar- rest or confinement with- out authority.	„	„	34	
„ Malingering, feigning or intentionally producing dis- ease, or delaying cures and aggravating diseases.	„	„	35	
„ Plundering and injuring property.	„	„	36	
„ Soldiers when off duty car- rying weapons.	„	„	37	
„ Selling, pawning, losing or injuring Horse, Arms, Clothes, &c. &c., how pun- ishable.	„	„	38	
„ Officers or Soldiers embez- zling or misapplying any money, provisions, &c., en- trusted to them—or spoil- ing such property—how punishable.	„	„	39	
„ Soldiers guilty of disgrace- ful conduct in maiming or injuring themselves or other Soldiers.	„	„	40	
„ Purloining or selling Gov- ernment Stores.	„	„	41	
„ Stealing Soldiers', Officers' or others' money or goods.	„	„	42	
„ Plundering or injuring pro- perty placed in charge of a Sentry.	„	„	43	

	<i>Act.</i>	<i>Section</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
	1847.			
Articles of War—Embezzling or misapplying public money.	XIX.	II.	44	
„ Committing petty offences of a fraudulent nature to the injury of the Government or any person.	„	„	45	
„ Guilty of any other disgraceful conduct—how punishable.	„	„	46	
„ Officers or Non-Commissioned Officers striking or ill-treating a Soldier.	„	„	47	
„ Sentry sleeping upon his Post in time of peace, or leaving it before relief. ..	„	„	48	
„ Officers or Soldiers enlisting a deserter.	„	„	49	
„ Requiring or accepting bribes for procuring leave of absence, promotion or any other advantage for any Officer or Soldier. ..	„	„	50	
„ Not doing reparation for injuries complained of to them.	„	„	51	
„ Refusing to receive Prisoners committed to their charge, releasing Prisoners without authority, or allowing them to escape. ..	„	„	52	
„ Quitting Guards or Picquets in time of Peace without being relieved.	„	„	53	

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War—Impeding the Provost Marshal or his Assistants, or others exer- cising authority, or refu- sing assistance to them. . .	1847.			
„ Not rejoining their Regi- ments ordered on service on being required to do so during their absence. . . .	XIX.	II.	54	
„ Occasioning false alarms in time of peace by dis- charging Fire Arms, &c. ..	„	„	55	
„ Failing to repair to the Parade for exercise.	„	„	56	
„ Quitting their Company or Troop or the Parade. . . .	„	„	57	
„ Absenting without leave, or without cause overstay- ing the period of leave. . .	„	„	58	
„ Soldiers found two miles from the Camp contrary to orders.	„	„	59	
„ Absenting from the Can- tonment after Tatoo, or from Camp after Retreat beating.	„	„	60	
„ Selling, losing and wasting Ammunition— If an Officer how to be punished—If a Soldier do. do.	„	„	61	
„ All Crimes not capital and all disorders or neglects not specified in these Arti- cles shall be cognizable by	„	„	62	

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
Courts Martial and how punishable.	1847.			
Articles of War — Persons amenable to these Articles not attending when summoned, or refusing to be sworn or to answer any lawful question, or inducing others so to offend, how to be punished.	XIX.	II.	63	
„ Persons not amenable to these Articles offending as above or committing perjury, how to be dealt with.	„	„	64	
„ Persons using menacing or disrespectful words, signs or gestures before a Court Martial, or disturbing their proceedings—how to be punished.	„	„	65	
„ Officers or Soldiers giving false evidence before Courts Martial—how to be punished.	„	„	66	
„ Offences triable by a General, District, or Garrison Court Martial may be tried by District, Garrison or Regimental Courts Martial—Mutiny excepted.	„	„	67	
Offences designated “Disgraceful conduct” when tried by Regimental Courts Martial, how to be dealt with and punished.	„	„	68	

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
	1847.			
Articles of War—Offences committed on the Line of March or on Board Ship, how to be tried and punished.	XIX.	II.	69	
„ Officers or Soldiers triable by Courts Martial should be put under arrest or confinement until tried or discharged.	„	III.	70	
„ Limitation of the periods of trial of Offenders.	„	„	71	
„ Offenders may be tried at any place within the British Territories other than where the offence had been committed.	„	„	72	
„ Commander-in-Chief at any Presidency may appoint Courts Martial and confirm, mitigate or commute sentences.	„	„	73	
„ General Courts Martial held within or beyond the Company's Territories to consist of how many Commissioned Officers—Sentences not to be executed till confirmed by a competent authority.	„	„	74	
„ General Courts Martial may sentence Officers or Soldiers to Death or Transportation for crimes expressly made liable to such punishment,				

and

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
and in what manner shall punish Commissioned Officers convicted of offences of which the punishment is not defined. Powers of a General Court Martial as regards the punishment of Non-Commissioned Officers or Soldiers defined.	1847.			
Articles of War—Confirmation and commutation of Sentence by the Commander-in-Chief.	XIX.	III.	75	
„ District or Garrison Court Martial to consist of how many Commissioned Officers, and their sentence by whom to be confirmed.	„	„	76	
„ Commander-in-Chief may commute sentences of such Courts Martial, and delegate or withhold from Commanding Officers the power of convening Courts Martial and of confirming or commuting sentences.....	„	„	77	
„ Powers of a District or Garrison Court Martial defined.	„	„	78	
„ A Regimental Court Martial how to be constituted and its order by whom to be confirmed.....				
„ Commutation of Sentence of such Court, ...	„	„	79	
„ Powers of a Regimental Court Martial.	„	„	80	

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
	1847.			
Articles of War—Regimental Detachment Courts Martial and Detachment or Line Courts Martial how to be constituted—Provisions re- lating to Regimental Courts Martial shall be applicable to those in Detachments. Provision made for the ex- ecution of their sentences.	XIX.	III.	81	
„ Officer convening Courts Martial may instruct them to omit Solitary Confine- ment and Corporal Punish- ment in their sentences in particular cases.....	„	„	82	
„ Execution of sentence of Death by a General Court Martial.	„	„	83	
„ Sudder Courts may give effect to sentence of trans- portation passed by a Ge- neral Court Martial, and every Judge, Magistrate or Sheriff in charge of Jails shall give effect to senten- ces of imprisonment with hard labor or solitary con- finement or both.	„	„	84	
„ Soldiers sentenced to im- prisonment for life may be transported beyond sea. ..	„	„	85	
„ Persons sentenced to im- prisonment may be impri- soned in any public prison.	„	„	86	

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War—Soldiers who have undergone the punishment of Imprisonment with hard labor shall not be re-admitted in the ranks or entitled to pensions.....	1847. XIX.			
„ Offenders sentenced to Corporal Punishment or Imprisonment with hard labor shall be dismissed with ignominy.....	„	III.	87	
„ Fines or forfeitures of arrears of pay or stoppages how to be recovered.....	„	„	88	
„ Hours of the day during which Courts Martial shall sit.....	„	„	89	
„ Proceedings of General and Inferior Courts Martial to be conducted by Officers of what standing.	„	„	90	
„ An Interpreter to be appointed to all Courts Martial.....	„	„	91	
„ The Senior Officer shall preside and how the Subadar Major and other Native Officers shall take rank. In the death or absence of the President who shall preside.....	„	„	92	
„ Sentence not to be revised more than once.....	„	„	93	
„ Rule for voting at Courts Martial.....	„	„	94	
	„	„	95	

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War—What majority necessary in cases of sentence of death.....	1847. XIX.	III.	96	
„ Forms of Affirmation to be made by the Interpreter, Members and the Judge Advocate or Superintending Officer.....	„	„	97	
„ All witnesses to be examined on oath according to their own Religion. Forms of Affirmation for Hindoos and Mahomedans.....	„	„	98	
„ Witnesses not amenable to these Articles how to be summoned.....	„	„	99	
„ Powers and Duties of Provost Marshals.	„	„	100	
„ Trials by European Courts Martial of persons claiming to be tried by such Courts.....	„	„	101	
„ Effects of deceased Officers or Soldiers how to be secured.	„	IV.	102	
„ In the absence of Heir or Executor the effects how to be disposed of.	„	„	103	
„ Effects of Deserters how to be disposed of or appropriated.....	„	V.	104	
„ Powers and Provisions relating to the Commander-in-Chief and to Soldiers how to be construed.	„	„	105	

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War--Troops of one Presidency serving within another, shall be subject to the order of the Commander-in-Chief of the latter Presidency, except when otherwise directed by the Governor General in Council.	1847.			
„ Commanding Officers may summon General Courts Martial for trying Offenders belonging to the Company's Army, serving out of Her Majesty's Dominions or the Company's Territories and of the States in alliance with the Company.	XIX.	V.	106	
„ General Courts Martial only to try Commissioned Officers or to pass sentence of Death or Transportation.	„	„	107	
„ Persons not liable to be tried a second time for the same offence. After a Soldier has been found guilty, evidence of his previous conviction may be received and his general character ascertained.	„	„	108	
„ Non-Commissioned Officers shall be reduced to the ranks only by the sentence	„	„	109	

	<i>Acts.</i>	<i>Sections.</i>	<i>Articles.</i>	<i>Territorial Scope of the Acts.</i>
	1847.			
of a Court Martial or by order of the Commander- in-Chief.....	XIX.	V.	110	
Articles of War—Complaints of Officers or Soldiers against their Superior or other Officers, how to be dealt with.	„	„	111	
„ Light Offences how punish able.....	„	„	112	
„ Officers or Soldiers taken prisoners by the Enemy, how far entitled to arrears of pay and allowance on return. Officers or Soldiers in imprisonment under sen- tence of Courts Martial to receive subsistence only...	„	„	113	
„ Mode of dealing with Of- fences not Military.	„	VI.	114	
„ Crimes triable by Courts Martial where no regular Criminal tribunals exist...	„	„	115	
„ General Courts Martial shall have cognizance ordi- narily of what offences. ..	„	„	116	
„ Offences cognizable by District or Garrison Courts Martial.	„	„	117	
„ Regimental, Detachment, or Line Courts Martial shall have cognizance of what Offences.	„	„	118	
„ General Courts Martial shall punish murder by death..	„	„	119	

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
Articles of War—What offences shall be punishable by Transportation for life by the said Court.	1847. XIX.	 VI.	 120	
<i>Offences punishable by imprisonment for 14 years by said Court, viz.</i>				
„ House-breaking, Robbery and Stealing with wounding.	„	„	121	
„ Wounding or Administering poison with intent to murder.	„	„	122	
„ Robbery or Dacoity.....	„	„	123	
„ House-breaking between sun-set and sun-rise.	„	„	124	
„ House-breaking and Stealing Property of value exceeding 100 Rupees.	„	„	125	
„ Purchasing or receiving Stolen Property.	„	„	126	
<i>Offences punishable by imprisonment not exceeding seven years, viz.</i>				
„ Homicide.	„	„	127	
„ Premeditated Affray attended with Homicide or severe wounding.....	„	„	128	
„ Intentionally wounding or maiming.	„	„	129	
„ Accidentally wounding or otherwise doing corporal injury to one person with the intention of doing injury to another.....	„	„	130	

	Act.	Section.	Article.	Territorial Scope of the Acts.
	1847			
Articles of War—House- breaking between sun-rise and sun-set.	XIX.	VI.	131	
„ Stealing Property exceed- ing the value of 300 Rupees.	„	„	132	
„ Purchasing Stolen Proper- ty exceeding the above amount.	„	„	133	
„ Arson.	„	„	134	
„ Unnatural Crime.....	„	„	135	
„ Rape.	„	„	136	
„ Enticing for unlawful pur- poses unmarried women under 15 years.	„	„	137	
„ Stealing Children under 8 years.....	„	„	138	
„ Counterfeiting or altering written or printed papers, or imitating stamp papers or issuing the same.	„	„	139	
„ Counterfeiting Coins, or paying counterfeit Coins, Bank Note, &c., knowing them as such.....	„	„	140	
<i>Offences punishable by imprisonment, not exceed- ing 3 years.</i>				
„ Offenders not being Com- missioned Officers, accused of offences not punishable with Death, Imprisonment or Transportation for Life, may be tried before a Dis- trict or Garrison Court				

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
Martial, and how to be punished on conviction. ...	1847. XIX.	VI.	141	
Articles of War—Officers or Soldiers guilty of Stealing Property of value not ex- ceeding 300 but exceeding 50 Rupees.		„	142	
„ Purchasing or receiving Stolen Property of value not exceeding 300 Rupees.	„	„	143	
„ Keeping in possession pro- perty after knowing it to have been stolen.	„	„	144	
<i>Offences punishable by imprisonment not exceed- ing six months before Regimental, Detachment or Line Courts Martial.</i>				
„ Offenders not being Com- missioned Officers how to be punished for offences which are not punishable with imprisonment exceed- ing 3 years.	„	„	145	
„ Officers or Soldiers guilty of Stealing Property to the value of 50 Rupees or less.	„	„	146	
„ Of Assault or Affray unat- tended with aggravating circumstances, how pun- ishable.	„	„	147	
„ Resisting process of a Ma- gistrate or Police Officer...	„	„	148	
„ Offending against person or property for which				

provision

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
provision is not made, how punishable.....	1847. XIX.	VI.	149	
Articles of War—Aiding and abetting the commis- sion of the above offences, how punishable.	„	„	150	
„ Sentence of Death not to be carried into execution until confirmed by the pro- per authority.....	„	„	151	
„ Commander-in-Chief may confirm, remit or commute any sentence of death.....	„	„	152	
„ Sentence of Transportation not to be carried into exe- cution until confirmed by the Commander-in-Chief who may commute it into imprisonment.	„	„	153	
„ Competent Officers may remit or mitigate senten- ces.	„	„	154	
„ Offenders tried by a Court Martial shall not be tried for the same offence in any other Court. Persons ac- quitted or convicted by a Civil Court may be Cashier- ed or Dismissed.	„	„	155	
„ Regulations concerning Commissariat Officers, Po- lice Officers and Superin- tendents of Bazars, and the constitution of Punchayets or jurisdiction of Courts				

	<i>Act.</i>	<i>Section.</i>	<i>Article.</i>	<i>Territorial Scope of the Acts.</i>
	1847.			
Martial shall continue in force.	XIX.	VI.	156	
Articles of War—Application of the Articles.	„	VII.	157	
„ Promulgation of the same.	„	„	158	
Assessments--(See Calcutta.)				
Assistant Magistrates—Go- vernors in Council may ap- point a Company's Mili- tary Officer as in any Zillah, and to confer on any the powers of a Magistrate. .. (See Magistrate.)	IV.	.....	.....	Madras.
B.				
Bailiffs—(See Distraining.)				
Behar—District of—when last surveyed. (See Lands.)	IX.	IV.		
Bhurrun — Pergunnah — in the district of Sylhet, when last surveyed. (See Lands.)	IX.	IV.		
Bombay Supreme Court— Dispatch of Criminal busi- ness in the— (See Supreme Court.)				
Books—Copyright in— (See Copyright.)				
Boundaries — Collectors or authorized Revenue Offi- cers may fix marks on—of Fields or Estates.....	I.	I.	.....	N. W. Provs. Boundaries

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Boundaries—Owners or Occupants of Fields or Estates how to be required to form or repair such marks.	1847.			
„ In default of their attending, the marks how to be erected and repaired—and the costs thereof to whom to be charged and how realized.	I.	II.		
„ Penalty for erasing, removing or injuring such marks, and the same how to be disposed of. If the offending party be not detected, the marks to be replaced or repaired at whose cost.	„	III.		
„ Shall be fixed under what legal power.....	„	IV.		
„ Magistrates not to take cognizance under Act IV. of 1840 of boundary disputes—Breach of peace arising therefrom, how to be prevented.	„	V.		
		VI.		
C				
Cachar—when last surveyed.	IX.	IV.		
Calcutta—Survey of lands within—(See Survey.)				
„ Powers of the Justices of the Peace for the				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
collection and disbursement of Assessments when to cease, and afterwards to be exercised by what number of Commissioners, and these how to be appointed.	1847.			
Calcutta — Commissioners how to be remunerated. How many of them shall form a quorum. Any one of them may issue warrants for the recovery of arrears of taxes.	XVI.	II.	.....	Calcutta.
„ Rules for regulating the election of Commissioners annually.	„	III.		
„ Commissioners shall levy taxes upon owners or users of Carriages, Carts and Horses, and may compound with persons keeping Carriages, &c. for hire for an annual rate of tax.	„	IV.		
„ Such taxes to be levied quarterly, and in what case exempted.	„	V.		
„ Commissioners may appropriate to purposes of this Act funds raised by assessments or taxes on Carriages, &c. or other funds placed by Government at their disposal. Rates not to exceed 5 per cent. on the assessed value.	„	VI.		
	„	VII.		

Calcutta

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Calcutta — Commissioners may appoint Assessors and Collectors and unite the offices.....	1847. XVI.	 VIII.		
„ Names of Owners or Occu- piers of Houses not neces- sary in warrants of distress. Identification of property sufficient.	„	IX.		
„ Goods and Chattels shall be seizable for arrears of rates due for a year—Te- nants may deduct the levy from their rents.	„	X.		
„ Commissioners how to act when goods are concealed in the Zenana.	„	XI.		
„ Commissioners may make rules for assessing and levying the taxes. Their powers defined as regards penalties for persons not performing their duties or obstructing persons acting under the Commissioners.	„	XII.		
„ What preliminaries neces- sary before giving such rules the force of Law...	„	XIII.		
„ Commissioners may levy arrears of taxes and penal- ties incurred under such rules.	„	XIV.		
„ Application of Funds to purposes enumerated.	„	XV.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Schedules of rates on Carriages, Carts, Horses, Bullocks, &c.	1847.			
Calcutta — Commissioners under Act XVI. of 1847, may hold real and personal property for the improvement of—and may sue and be sued as such Commissioners.	XXII.	I.		
„ Commissioners may purchase Houses, Buildings and Grounds with the consent of the Governor. What course to be adopted for obtaining such properties if the owners do not agree to the prices offered.....	„	II.		
„ Commissioners may agree with Owners for the purchase of any real property.	„	III.		
„ Parties lawfully seized and possessed of Lands, &c. may sell and convey to the said Commissioners.....	„	IV.		
„ Amount of compensation to be determined by a Jury for lands, &c. belonging to parties under legal disability except under provisions of this Act.	„	V.		
„ Lands, &c., may be sold for annual rent—charge payable by the Commissioners.	„	VI.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
	1847.			
Calcutta—Rents where to be charged and how recoverable in case of non-payment.	XXII.	VII.		
„ Due notice to be given to parties interested in lands, &c., required to be purchased.	„	VIII.		
„ Notice how to be served..	„	IX. .		
„ Parties may have amount of compensation settled by arbitration by serving notice upon the Commissioners. In default the matter how to be settled..	„	X.		
„ Mode of appointing Arbitrators for settling questions of disputed compensation.....	„	XI.		
„ In case of death of an Arbitrator before determination of the matter in dispute, what course shall be taken.	„	XII.		
„ Arbitrators shall appoint an Umpire.	„	XIII.		
„ An Umpire how to be appointed in case of the arbitrators failing to appoint one within a certain period.....	„	XIV.		
„ Matters how to be settled in case of death of a single Arbitrator appointed by both parties, before he shall have made his award.	„	XV.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Calcutta—Any one of the Arbitrators may act if the other refuses within a certain time.	1847. XXII.	 XVI.		
„ Arbitrators failing to give award within a certain time, the Umpire may determine the matters referred to them.	„	XVII.		
„ Arbitrators or their Umpire may require the production of documents and examine parties or their witnesses on oath or affirmation.	„	XVIII.		
„ Form of declaration the Arbitrators and the Umpire are required to make.	„	XIX.		
„ Costs of Arbitration how to be determined.	„	XX.		
„ Awards to be delivered to the Commissioners who shall furnish a copy to the other party.	„	XXI.		
„ Submission to Arbitration may be made a rule of the Supreme Court and how enforced.	„	XXII.		
„ Awards not to be set aside for irregularity or error in form.	„	XXIII.		
„ If Owners of property refuse to settle by arbitration, the Sheriff to be asked to				

call

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
call a Jury, but if the Sheriff be interested in the matter, what other course shall be adopted for that purpose.	1847.			
Calcutta—Provisions applicable to the Sheriff in matters relative to reference to a Jury shall also be applicable to any other person to whom the warrant may be issued, for summoning a Jury—and to such person the Sheriff shall deliver the Juror's Book on requisition.	XXII.	XXIV.		
„ Sheriff to summon a Jury of ten persons to meet at a convenient time and place.	„	XXV.		
„ Five persons to be drawn from the above number and if a sufficient number do not appear how the Jury to be made up.	„	XXVI.		
„ Sheriff to preside at the enquiry, Plaintiffs to have what privileges, Sheriff may summon witnesses. Jury may be required to view the place in dispute and in what manner.	„	XXVII.		
„ Penalties for defaults by Sheriff or Jurymen and the same how applicable.	„	XXVIII.		
	„	XXIX.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Calcutta—Penalties of Witnesses failing to appear or refusing to be examined or giving false evidence.	1847.			
„ Due notice of the time, and place of enquiry to be served upon the parties concerned.	XXII.	XXX.		
„ The question of compensation to an absent party may be determined by an authorized Surveyor.	„	XXXI.		
„ Jury to be qualified by oath or affirmation administered by the Sheriff...	„	XXXII.		
„ Compensation to be declared separately for lands, &c., to be purchased by the Commissioners and for those held with them for damage done to the latter by being severed.....	„	XXXIII.		
„ Judgment for the purchase money assessed by the Jury to be given by the Sheriff and preserved among the Records of the Supreme Court. What effect it shall have in Courts.....	„	XXXIV.		
„ Costs of enquiry to be decided and apportioned.	„	XXXV.		
„ Differences in cases of such costs how to be settled. ..	„	XXXVI.		
„ Payment of costs how to be enforced by either party.	„	XXXVII.		
	„	XXXVIII.		

INDEX TO THE

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
	1847.			
Calcutta—Special Jury for the trial of cases of disputed compensation how to be struck if required.	XXII.	XXXIX.		
„ Rule for impanelling such special Jury.	„	XL.		
„ Any other case may be tried by such special Jury also.	„	XLI.		
„ Compensation to absent parties to be fixed by a Surveyor appointed by two of the Calcutta Magistrates.	„	XLII.		
„ Mode of nominating a Sur- veyor.	„	XLIII.		
„ Form of declaration to be made by the Surveyor. . .	„	XLIV.		
„ Such nomination and de- claration to be annexed to the Surveyor's valuation and preserved for the in- spection of parties con- cerned.	„	XLV.		
„ Regard to be had to injury done to other lands, &c. by severing those purchased.	„	XLVI.		
„ Parties becoming dissatis- fied with the Surveyor's valuation may refer the matter to arbitration.	„	XLVII.		
„ Decision of such arbitra- tion to be confined to what points of the compensation.	„	XLVIII.		
„ Any further sum awarded by the Arbitrators how to				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
be recovered in case of non-payment within certain time.....	1847. XXII.	XLIX.		
Calcutta—Costs of such Arbitration how to be decided.	„	L.		
„ Parties how to recover compensation for lands, &c. taken for or injured by the works of the Commissioners, who shall not have paid for the same.....	„	LI.		
„ Purchase money how to be invested and deposited in cases where it may not have been paid to owners of lands, &c. for reasons stated, and the same how disposable by order of the Supreme Court.....	„	LII.		
„ Supreme Court may order accumulation and payment of monies in respect of lease or estate in lands, &c., less than the whole fee simple thereof or reversions, in such manner as will benefit the parties interested.	„	LIII.		
„ Owners shall convey lands, &c., to the Commissioners and in default or in case of their failing to adduce good titles what course the				

Commissioners

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Commissioners shall take for obtaining possession of the said lands, &c.	1847 XXII.	LIV.		
Calcutta—In case of Owners refusing to accept the pur- chase money, to make out a title, or to convey the lands, &c., or if such own- ers be absent, the purchase money how to be dispos- ed of, and possession of lands, &c., taken.	„	LV.		
„ Supreme Court may in a summary way order invest- ment and payment of pur- chase money on applica- tion of the interested party.	„	LVI.		
„ Commissioners shall not be parties to such proceed- ings, but due notice to be served upon other, inter- ested parties.	„	LVII.		
„ Commissioners may sell for the purposes of this Act and Act No. XVI. of 1847, lands, &c., vested in them.	„	LVIII.		
„ Conveyances by Commis- sioners of such lands, &c., how to be drawn and to have what effect.	„	LIX.		
„ Commissioners may borrow money for carrying out the provisions of this Act or Act No. XVI. of 1847 on				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
mortgaging or assigning over rates, taxes, &c. to the party lending.	1847. XXII.	LX.		
Calcutta — Means for dis- charging the loans so raised by the Commissioners.	„	LXI.		
„ Mortgage of Assessments, &c. to be made by deed. The same how to be drawn and by whom executed. What shall be the rights of the Mortgagees as to the repayment of the loans. ..	„	LXII.		
„ Expenses of Mortgage by whom to be defrayed.	„	LXIII.		
„ A Register of all Mort- gages to be kept by the Commissioners' Clerk.	„	LXIV.		
„ Right in Mortgages may be transferred to other par- ties.	„	LXV.		
„ Entries to be made in the Register of such Transfers, toties quoties.	„	LXVI.		
„ Mortgages being satisfied shall cease to be of any effect without transfer or release.	„	LXVII.		
„ Order of paying off mort- gages how to be decided by the Commissioners.	„	LXVIII.		
„ Period for repayment may be fixed in the Mortgage Deed.	„	LXIX.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Calcutta—If the period for repayment be not stipulated either party may after the expiration of 12 months, demand or repay the principal with interest upon notice thereof.	1847. XXII.	 LXX.		
„ All interest upon the mortgage shall cease at the expiration of the prescribed notice by the Commissioners.	„	LXXI.		
„ Mortgagee how to enforce payment.....	„	LXXII.		
„ Mortgagee or Mortgagees in conjunction with one another may require the appointment of a Receiver if the debt or debts amount to 10,000 Rupees.....	„	LXXIII.		
„ Receiver by whom to be appointed and what shall be his power.....	„	LXXIV.		
„ Schedule A. Form of Mortgage Deed.				
„ Schedule B. Form of Transfer of Mortgage.				
Carriages, wheeled, taxed. (See Calcutta.)				
Carts—taxed. (See Calcutta.)				
Ceylon—Emigration of Natives of India to— (See Emigration.)				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Chapghat — Pergunnah — in the District of Sylhet, when last Surveyed.....	1847. IX.	 IV.		
Chittagong — District of — when last surveyed. (See Lands.) Coins. (See Copper.)	„	„		
Commissioners appointed for the Improvement of the Town of Calcutta. (See Calcutta.)				
Constables or Subordinate Peace Officers no more to be appointed by H. M.'s Court at Prince of Wales' Island, Singapore and Ma- lacca.	III.	I.	.....	Straits Settle- ments.
„ By whom to be appointed hereafter. (See Peace Officers.)	„	II.		
Convicts may be received in the Straits Settlements from Hong Kong.	XI.	.....	.....	„
Copper Coins of certain weight and value may be issued from Government Treasuries within the Straits Settlements.	VI.	II.	.....	Straits Settle- ments.
„ Definition of the value of— which shall be legal tender within the said Settlements.	„	III.	.....	
„ Shall be legal tender only for fractions of Dollars. ..	„	IV.	.....	
„ No other shall be legal tender.	„	V.	.....	
				Copper

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
	1847.			
Copper Coins—Circulation of other—not being of British or Foreign Coinage, pro- hibited.	VI.	VI.		Straits Settle- ments.
„ Penalty for circulating other than the authorized legal Coinage.....	„	VII.		
„ Governor General in Coun- cil may direct the coining and issuing, and prescribe devices and inscriptions of.	„	VIII.		
Copyright of Authors shall continue in force for what period.	XX.	I.		General.
„ Provision made against the suppression of a book to the public by the proprietor’s refusal to republish after the death of its Author. . .	„	II.		
„ Book of Registry where to be kept for the entry of the proprietorship in.—.....	„	III.		
„ False entry how punisha- ble.	„	IV.		
„ In Books published since Act 3 and 4 Wm. 4th C. 85, may be registered with certain particulars, as also assignment thereof on pay- ment of a fee.	„	V.		
„ Persons aggrieved by any entry shall take what course for having it ex- punged or altered.	„	VI.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Copyright—Persons unlawfully printing or selling books in which there may by a Copyright, shall be liable to actions.	1847. XX.	 VII.		
„ Defendants in such actions in H. M.’s Courts required to give notice to Plaintiffs of certain particulars of the objections they intend to plead.	„	VIII.		
„ The same as regards suits instituted in the Company’s Courts.	„	IX.		
„ Provision made for protecting the in—periodical Works published in a series of Books or Parts.....	„	X.		
„ Proprietors of—in such works shall have all the benefits of Registration.	„	XI.		
„ Copies of works unlawfully printed shall be the property of the registered proprietor.....	„	XII.		
„ Persons may be sued in Her Majesty’s or Company’s Court for the recovery of such copies or the damages for the detention or conversion thereof.	„	XIII.		
„ Actions shall not be maintained without a previous				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
entry in the Book of Registry.	1847. XX.	XIV.		
Copyright.—Persons sued in H. M.'s Courts for doing things in pursuance of this Act shall take what course in defending.	„	XV.		
„ Limitation of period for legal proceedings for offences against the Act in Civil and Criminal Actions.	„	XVI.		
„ Act not to affect obligations previously made.	„	XVII.		
„ Schedules of entries of Proprietorship and of assignment of—				
Courts of the Justices of the Peace, not coming within the scope of the meaning of “H. M.'s Courts of Justice” in Section IV. of Act V. of 1840, as regards declaration or affirmation. (See Acts.)	II.	.....	.....	Justices of the Peace.
Courts established by the Governor General in Council in Territories not subject to the Government of India—Sentences of—on prisoners may be given effect to by Officers in charge of the Provincial Jails. (See Jails.)				
Court of Commissioners. (See Distraining Bailiffs.)				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Courts Martial—(See Articles of War.)	1847.			
Cuttack—Northern, Central and Southern Divisions of—when last surveyed. (See Lands.)	IX.	IV.		
D.				
Declaration—(See Courts of the Justices of the Peace.)				
Deeds—Registration of—by persons not appointed as Register—or made on days other than the Court days. (See Registration.)				
Defaults discovered in the prosecution of suits and appeals now pending or hereafter to be brought in Company's Courts not to affect judgments.	XVII.	.....	.....	General.
Demarcation of Fields or Estates. — (See Boundaries.)				
Deputy Superintendent of Police in the Straits Settlements by whom to be appointed.	III.	II.		
Distraining Bailiffs and Appraisers may be appointed by the Court of Commissioners for the recovery of rents.	VII.	I.	.....	Calcutta. Distraining

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Distraining Bailiffs — Any Commissioner may issue a warrant for the recovery of arrears of rent of Premises in Calcutta not exceeding 100 Rs. upon the Affidavit of persons applying for such warrant.	1847.			
„ May seize Goods upon such premises sufficient to cover rent and costs. Commissioners may discharge or suspend the warrant on application from the party owing the rent, and give reasonable time to such party to pay the rent.	VII.	II.		
„ In default of application what course to be taken for the sale of the goods seized and the proceeds how to be disposed of.	„	III.		
„ Costs levied how to be disposed of and entered in a Book kept for that purpose.	„	IV.		
„ Distress for rents amounting to Rs. 100 or less, to be levied hereafter under this Act Penalty of persons, except the Authorized Officers levying such distress.	„	V.		
„ Exemptions from the Provisions of this Act.	„	VI.		
„ Forms of Schedules marked A. to E.	„	VII.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
E.	1847.			
Echamuttee--Pergunnah—in the District of Sylhet, when last surveyed—(See Lands.)	IX.	IV.		
Emigration to Mauritius from Madras allowed under Act XV. of 1842.	VIII.	I.	....	Madras.
„ Governor in Council may appoint a Protector of Emigrants—and Emigrants shall embark with certificates from the Agent appointed by the Mauritius Government countersigned by the Protector.	„	II.		
„ Of Natives of India to the Island of Ceylon—Provisions of Act XIV. of 1839 prohibiting the—repealed.	XIII.	I.	...	General.
„ Act not to come into operation until sufficient Laws shall have been made by the Ceylon Government against such Natives of India emigrating to any other Colony. (See Acts.)	„	II.		
Estates—Demarcation of— (See Boundaries.)				
F.				
Fields — Demarcation of— (See Boundaries.)				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Fines—Moonsiffs and Sud- der Ameens exempted from Furkyah—(See Pergunnah.)	1847. XII.	.....	....	Bengal and N. W. Provs.
G.				
Gwalparah — District of — when last surveyed (See Lands.)	IX.	IV.		
H.				
Hidgellee—In the District of Midnapore—when last sur- veyed..... (See Lands.)	”	”		
Hong-Kong—Convicts from— may be received in the Straits Settlements. (See Convicts.)	XI.			
Horsestaxed—(See Calcutta.)				
I.				
Imprisonment for Life— Offenders sentenced to— also made subject to Trans- portation beyond Sea.	X.	.....	....	General.
Improvement of Calcutta— (See Calcutta.)				
Ittisamnuggur—Pergunnah— in the district of Sylhet, when last surveyed. (See Lands.)	IX.	IV.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
J.	1847.			
Jails—Officers in charge of Provincial—may give effect to sentences passed by Criminal Courts established by the Governor General in Council in States or Territories not subject to the Presidencies or within the non-Regulation Provinces.....	V.	I.	....	General.
„ Warrant from competent Officers within such States or Provinces shall be authority for holding prisoners in confinement or for transportation or punishment.	„	II.		
„ Officers in charge of—how to act if they doubt the legality of the warrants. ..	„	III.		
„ Provisions of existing Law to apply to prisoners confined under this Act.	„	IV.		
Jynteeah, in the District of Sylhet—when last surveyed.....	IX.	IV.		
Justices of the Peace—See Courts of.				
L.				
Lands gained from the Sea or Rivers by alluvion or dereliction — operation of				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Regulations of the Bengal Code relating to the Assessment of — suspended within the Provinces of Bengal, Behar and Orissa; —investigations pending before Collectors and Deputy Collectors to be discontinued; and measures relating to the above to be hereafter taken under this Act.....	1847.			
Lands—Definition of the expression “Province of Orissa” as used in this Act.....	IX.	I.	....	Bengal, Behar and Orissa.
„ New maps to be made according to Surveys to be held every ten years of such—.....	„	II.		
„ Dates of the last Revenue Surveys of certain Districts and Pergunnahs enumerated. Surveys hereafter made when to be considered completed.	„	III.		
„ Deduction from the Sudder Jumma for—washed away from or lost to an Estate how to be made and in what proportion.	„	IV.		
„ Added to any Estate how to be assessed.	„	V.		
„ Islands thrown up in Rivers how to be assessed	„	VI.		

and

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
and settled. Parties ag- grieved where to sue.	1847.			
Lands —This Act not to affect suits now pending for the assessment of or for esta- blishing the right of Gov- ernment to alluvial lands or suits open to appeal....	IX.	VII.		
„ Suits against Government relating to matters concern- ing this Act inadmissable, except as regards the pro- prietary right to Islands.	„	VIII.		
Luckimpore — District of— when last surveyed.	„	IX.		
(See Lands .)	„	IV.		
M.				
Magistrate — Governor in Council may appoint a Company's Military Offi- cer as—in any Zillah.....	IV.	.....	.....	Madras.
(See Assistant Magistrate.)				
Malacca —(See Convicts.)				
Mauritius —Emigration to— from Madras—(See Emi- gration.)				
Midnapore —District of—ex- cept Hidgellee and Tum- look—when last Surveyed.	IX.	IV.		
(See Lands .)				
Military Law —(See Articles of War.)				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Military Officers in the Com- pany's Service may be ap- pointed Magistrates and Assistant Magistrates in anyzillah within the Madras Presidency.	1847.			
Moonsiffs exempted from fines.....	IV.			
Municipal Laws. (See Calcutta.)	XII.	.....	.....	Bengal and N. W. Provs.
N.				
Native Officers and Soldiers. (See Articles of War.)				
Non-Regulation Provinces— Provision made for the con- finement within the Pro- vincial Jails, of Prisoners on whom sentence may have been passed by Courts in the— (See Jails.)				
O.				
Offenders when sentenced by Courts to imprisonment for life shall be at the same time sentenced to trans- portation beyond Sea.....	X.	.....	.....	General.
P.				
Patna—District of — when last surveyed—(See Lands.)	IX.	IV.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Peace Officers in the Straits Settlements—(See Constables.)	1847.			
Pergunnah Furkyah in the District of Monghyr when last Surveyed. (See Lands.)	IX.	IV.		
Plaints—Transcripts of—repealing parts of Sec. III. Reg. IV. 1793, and Sec. III. Reg. III. of 1803 relating to..... (See Regulations.)	XIV.	.....	.....	Bengal.
Prince of Wale's Island. (See Convicts.)				
Prisoners sentenced to imprisonment for life made also subject to transportation beyond Sea.	X.	.....	.....	General.
„ Sentenced by Courts established by the Governor General in Council in Territories not subject to the Presidencies or within non-Regulation Provinces, may be confined in the Company's Jails within the Company's Territories. (See Jails.)				
Printed Works — (See Copyright.)				
R.				
Registration of Deeds by persons not duly appointed as Register, legalized.	XVIII.	I.	.....	General. Registration

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Registration made on other than the Court days, legalized.....	1847. XVIII.	II.		
Regulations of the Bengal Code as relate to assessment of Lands gained from Sea or Rivers shall cease to have effect hereafter ... (See Alluvial Lands, Survey, and Lands.)	IX.	.....	.....	Bengal.
Regulation XXIII. of 1814, Clause III. Sec. IX. and part of Sec. LXVII. of—repealed.	XII.	.....	.....	Bengal and N. W. Provs.
„ IV. of 1793—part of Sec. III. of—repealed.....	XIV.	.....	.....	„
„ III. of 1803—parts of Sec. III. of—repealed.....	„	.....	.....	„
Rents—Arrears of Small—of premises in Calcutta how to be recovered by distress. (See Distraining Bailiffs.)				
Revenue Surveys of Districts. (See Lands.)				
S.				
Sarun—District of—when last surveyed.—(See Lands.)..	IX.	IV.		
Seebpore—District of—when last surveyed. (See Lands.)	„	„		
Shahabad—District of—when last surveyed. (See Lands.)	„	„		
Singapore. (See Convicts.)				
Soldiers—Native — (See Articles of War.)				

Stealing

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Stealing—Period of transportation for—as provided in Act XXXI. of 1838, Sec. XVII. modified. (See Transportation.)	1847.			
Straits Settlements—appointment of Constables and Peace Officers at the— (See Constables.)				
„ Convicts may be received in the — from Hong Kong.	XI.			
(See Convicts.)				
Subordinate Peace Officers in the Straits Settlements. (See Constables.)				
Sudder Ameens exempted from Fines.....	XII.	.....	.....	Bengal and N. W. Provs.
Suits—Defaults in the prosecution of—(See Defaults.)				
Supreme Court at Bombay—any one of the Judges of the—may sit apart from the other Judge or Judges for the dispatch of Criminal business	XXI.	I.	.....	Bombay.
„ May transact business out of Term.	„	II.		
Surveys of Districts hereafter made when to be deemed as completed.....	IX.	IV.		
Survey of Lands within Calcutta by an Officer who				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
	1847.			
may invite Owners and Occupiers of lands to appear before him.	XV.	I.	.....	Calcutta.
Survey of Lands—Power and duty of such Officer or his Subordinates in making the survey.	„	II.		
„ Penalty for persons obstructing or molesting such Officers.	„	III.		
„ Owners or Occupiers of lands may be summoned by the Surveying Officer by a special notice to each. Persons objecting to produce any Title Deeds shall not be required to do so.	„	IV.		
„ Persons may be summoned to appear before the Surveying Officer as Witnesses. In default of attendance or refusing to give evidence such witnesses how to be dealt with.	„	V.		
„ Surveying Officer may swear the witnesses by oath or affirmation or solemn declaration.	„	VI.		
„ Persons giving false evidence shall be guilty of perjury.	„	VII.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
T.	1847.			
Taxes—(See Calcutta.)				
Transcription of Plaints—				
Regulations relating to—				
(See Plaints.)				
Transportation beyond Sea—				
Offenders sentenced by				
Courts not included in Act				
XIV. of 1844 to imprison-				
ment for life also made sub-				
ject to—	X.	.....	.....	General.
„ Act XXXI. of 1838 Sec.				
XVII. as provides for the				
minimum period of—for				
offences therein mention-				
ed, repealed.	XXIII.	.....	.....	H. M.'s Courts.
Tumlook—in the District of				
Midnapore—when last sur-				
veyed.....	IX.	IV.		
(See Lands.)				

ACT No. I. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 30th of January 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for the establishment and maintenance of Boundary Marks in the North Western Provinces of Bengal.

WHEREAS it is desirable with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the Public Revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of Fields or Estates:

I. It is hereby enacted, that it shall be lawful within the Territories subject to the Government of the North Western Provinces of Bengal, for Collectors of Land Revenue, or persons exercising the powers of Collector, or such Revenue Officers as the Lieutenant Governor may entrust with that authority, to fix the boundaries of Fields or Estates, and to require that marks be formed and maintained by the owners or occupants on the boundaries, of such materials and in such number and manner as may appear to such Officers sufficient for distinguishing

ACT No. I. OF 1847.

distinguishing the limits of those Fields or Estates whenever they may be of opinion that such demarcation is necessary for the prevention or adjustment of disputes.

II. And it is hereby enacted, that notices shall be served on the persons owning or occupying the conterminous Fields or Estates requiring them to form or repair the said boundary marks within ten days from the date of the notice, and in the event of these persons not being found in the Village that the said requisition shall be posted at the Village Chowree or Chopal, or other conspicuous place in the Village, which shall be held to be a sufficient service, notwithstanding it may afterwards appear that the owners or occupants were not correctly named or designated in the notice.

III. And it is hereby enacted, that in default of the owners or occupants of the Fields or Estates complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such boundary marks, the cost of which shall be equitably apportioned on the Fields or Estates which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such Fields or Estates, and shall be realized in the same manner as arrears of land revenue.

IV. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing or injuring such boundary marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed or injured ; one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark ; whenever it may not be possible to detect the person who erased, removed or injured the boundary marks as aforesaid, the marks shall be re-erected or repaired at the charge of

one

ACT No. I. OF 1847.

one or both parties, as the Collector or other Officer authorized to make the demarcation may consider just and equitable.

V. And it is hereby enacted, that disputed boundaries shall be fixed by Revenue Officers under the powers and in the manner prescribed in Regulations VII. 1822 and IX. of 1833, and shall be similarly open to appeal.

VI. And it is hereby enacted, that Magistrates are prohibited from taking cognizance under Act IV. of 1840 of boundary disputes of the nature for which provision is here made, but whenever they have reason to apprehend any breach of the peace in consequence of a disputed boundary, they shall certify the circumstances to the Collector of Land Revenue, who shall be bound immediately to mark off the boundary in the mode here indicated, and to uphold the possession of the parties according to the demarcation.



Ind No 300.

ACT No. II. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 13th of February 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act to declare the meaning and extent of certain words in Act V. of 1840.

WHEREAS by Section IV. of Act V. of 1840, it was amongst other things provided, that the said Act should not extend to any declaration or affirmation made in any of Her Majesty's Courts of Justice, and doubts have arisen whether the words "Her Majesty's Courts of Justice" mean and extend to the Courts of the Justices of the Peace—

It is hereby declared and enacted, that the words "Her Majesty's Courts of Justice" in the said Act shall be deemed not to have meant nor extended to, and not to mean nor extend to the Courts of the Justices of the Peace.

No 301.

ACT No. III. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 19th of February 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act to provide for the appointment of Constables and Peace Officers at the Settlements in the Straits.

WHEREAS by the Letters Patent for the establishing Her Majesty's Court of Judicature at Prince of Wales' Island, Singapore and Malacca, His late Majesty King George the Fourth, amongst other things authorized and empowered the said Court at their General and Quarter Sessions from time to time to nominate and appoint such persons as the said Court should see fit to be and act as Constables, or to perform the duties performed by Constables and Subordinate Peace Officers in that part of his United Kingdom called England as nearly as the different religions, customs and manners of the different inhabitants of the said Settlements and places should require or would admit, and His said late Majesty authorized and empowered the said Court to direct that the said Constables and other Subordinate Peace Officers should have and exercise their authority in and over any particular District or Districts, or any particular class or classes, tribe or tribes of the inhabitants

of

ACT No. III. OF 1847.

of the said Settlements of Prince of Wales' Island, Singapore and Malacca and places aforesaid as the said Court should see fit. And His said late Majesty authorized and empowered the said Court to compel all and every such persons to serve the said offices to which they should be appointed in like manner as persons may be compelled to serve the office of Constable within that part of His United Kingdom called England so far as the religions, customs and manners of such persons would admit, and that before they should enter upon their respective offices they should respectively take before the said Court the oath of allegiance, and an oath well and faithfully to execute the same without favour or partiality, malice or hatred :

And whereas it is expedient that all Constables and Subordinate Peace Officers and other persons appointed to perform the duties of Police should receive pay in remuneration for the performance of their duties :

And whereas by the 13th Section of Act XII. of 1839, it was enacted that out of the Funds collected from the Assessment and Taxes leviable under that Act provision should be made in conformity with such instructions as might from time to time be issued by the Governor of Bengal for the efficient watching, cleansing, lighting and repairing of the Streets and Thoroughfares in the Towns of George Town, Singapore and Malacca, and for the making and repairing of Roads and Bridges, and the effecting of other purposes necessary for the comfort and protection of the inhabitants of the incorporated Settlement therein aforesaid :

And whereas it is expedient that all Constables and Subordinate Peace Officers and other persons appointed to perform duties of Police should be appointed by the authorities from whom they receive their pay and by no other :

I. It is therefore hereby enacted, that from and after the 19th day of March 1847, no Constable or Subordinate Peace Officer or other
person

ACT No. III. OF 1847.

person appointed to perform duties of Police shall be appointed by the said Court at their General and Quarter Sessions or otherwise.

II. And it is hereby enacted, that the Deputy Superintendent of Police and every Constable and Subordinate Peace Officer and other person appointed to perform duties of Police except the Superintendent of Police shall be appointed by the Governor of Prince of Wales' Island, Singapore and Malacca, and that the Superintendent of Police shall continue to be appointed as heretofore by the Governor of Bengal.

22 No 302

1847/48
Civil Auditor's
Ind. J. H. A.

ACT No. IV. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 10th of April 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act to authorize the Governor in Council of Fort St. George to appoint any Military Officer a Magistrate.

IT is hereby enacted, that from and after the First day of May 1847, it shall be competent to the Governor in Council of Fort St. George to appoint any Military Officer in the service of the East India Company, a Magistrate or an Assistant Magistrate in one or more Zillahs, and to confer on any Assistant Magistrate, by a special order, any of the powers of a Magistrate, any Law or Regulation to the contrary notwithstanding.

1847/48
Civil Auditors
Indra / 45

ACT No. V. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 10th April 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act to facilitate the execution of the sentences of Courts established by the authority of the Governor General in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company.

I. **I**T is hereby enacted, that within the Territories subject to the Government of the East India Company and without the local limits of the jurisdiction of Her Majesty's Courts of Judicature, the several Officers in charge of Jails shall be competent to give effect to any sentence that may be passed by any Court established or that may be established by the authority of the Governor General of India in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company, although such States or Territories are not subject to the Government of any one of the Presidencies of Fort William in Bengal, Fort St. George or Bombay, or are not subject to the operation of the General Regulations.

II. And

ACT No. V. OF 1847.

II. And it is hereby enacted, that a warrant under the Official Seal and Signature of the Officer or Officers exercising Criminal jurisdiction within such States or Territories as aforesaid shall be sufficient authority for holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond Sea, or for inflicting any other punishment prescribed therein.

III. And it is hereby enacted, that if any Officer in charge of a Jail shall entertain any doubt as to the legality of any warrant sent to him for execution under this Act, or as to the competency of the person or persons whose Official Seal and Signature may be affixed thereto to pass the sentence and issue such warrant, such Officer shall refer the matter to the Government to which he is subject, by whose order on the case such Officer and all other public Officers shall be guided as to the future disposal of the prisoner, and that pending any such reference, the prisoner shall be detained in custody in such manner and with such restrictions or mitigations as may be specified in the warrant.

IV. And it is hereby enacted, that the provisions of the existing Acts and Regulations, and all other rules in force for the treatment and security of prisoners confined in the said jails, shall apply and be of equal force and effect in the case of prisoners confined therein under this Act as in the case of other prisoners confined therein.

1847/48.
Civil Auditor's Invoice 948.

ACT No. VI. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 1st May 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for establishing a Copper Currency in the Settlements of Penang, Singapore and Malacca.

I. **IT** is hereby enacted, that from and after the date of the passing of this Act the provisions of Acts XXI. of 1835 and XXII. of 1844, shall not be deemed to apply to Copper Currency of the Settlements of Penang, Singapore and Malacca.

II. And it is hereby enacted, that from and after the 1st day of January 1848, the following Copper Coins only shall be received at or issued from any Government Treasury within the said Settlements :

1. A cent. weighing 144 grains troy.
2. A half cent. weighing 72 grains.
3. A quarter cent. weighing 36 grains.

III. And it is hereby enacted, that from and after the date of the passing of this Act the said cent. shall be legal tender throughout the said Settlements for $\frac{1}{100}$ of a Dollar and the said half cent. for $\frac{1}{200}$ of a Dollar, and the said quarter cent. for $\frac{1}{400}$ of a Dollar.

IV. Provided

ACT No. VI. OF 1847.

IV. Provided always and it is hereby enacted, that none of the said Coins shall be legal tender except for fractions of a Dollar.

V. And it is hereby enacted, that after the 1st day of January 1848, no other Copper Coins or Tokens than those specified in Section II. of this Act shall be legal tender of payment for the fractional parts of a Dollar within the said Settlements.

VI. And it is hereby enacted, that with the exception of the Copper Coins specified in Section II. of this Act the circulation in the said Settlements after the said day of all Copper Coins or Tokens not being the authorized legal Coinage of any British or Foreign Government is prohibited.

VII. And it is hereby enacted, that after the said day any person who shall circulate, or attempt to circulate, in the said Settlements, any Copper Coins or Tokens other than those specified in Section II. of this Act, and not being the authorized legal Coinage of any British or Foreign Government shall on summary conviction before a Magistrate be liable to a fine not exceeding Ten Rupees and in default of payment any person so convicted shall be subject to imprisonment for a term not exceeding one month.

VIII. And it is hereby enacted, that it shall be competent to the Governor General in Council in his executive capacity to direct the coining and issuing, and to prescribe the devices and inscriptions of the Coins to be issued under the authority of this Act.

1001/9240
Civil Auditor & Secy. G. H. G.

ACT No. VII. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 1st May 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act to regulate Distresses for Small Rents in Calcutta.

I. **I**T is hereby enacted, that it shall be lawful for the Commissioners of the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal to appoint four or more persons to be Bailiffs and Appraisers for the purposes of this Act, and to fix such remuneration for the services of the said Officers as shall appear to the said Commissioners expedient, and that such persons shall be duly sworn before the said Commissioners, and shall also give security to be approved by the said Commissioners faithfully to discharge the duties of their office, and that the said Commissioners shall have power to suspend or remove such persons so appointed, provided that it shall be lawful for the said Commissioners to appoint the Bailiffs who may be attached from time to time to the said Court to the office of Distraining Bailiffs and Appraisers for the purposes of this Act, and to award to the said Officers such remuneration in addition to their respective salaries drawn from the said Court as to the said Commissioners shall appear expedient.

II. And

ACT No. VII. OF 1847.

II. And it is hereby enacted, that it shall be lawful for any Commissioner of the said Court upon the Affidavit in the Form contained in the Schedule to this Act annexed (marked D) of any party claiming to be entitled to arrears of rent of any House or Premises situate in Calcutta not exceeding the amount of 100 Rupees, or in case of absence of such party from Calcutta, or in case of respectable females who do not appear in public, upon the Affidavit of the Constituted Attorney of such party stating the amount of such arrears and for what time and at what rate the same became due, to issue a warrant under his hand and seal in the Form contained in the Schedule to this Act annexed (marked A) addressed to any one of such Officers directing him to levy the amount of such rent, together with the costs of the said distress in the manner therein mentioned, provided that it shall be lawful for any of the said Commissioners upon personal examination of the party applying for such warrant to grant or withhold the same at the discretion of the said Commissioner.

III. And it is hereby enacted, that by virtue of such warrant it shall be lawful for such Officer to seize the whole or such part of the Goods and Chattels upon the said Premises as shall be sufficient to cover the amount of the said rent, together with the costs of the said distress, and that he shall thereupon make an Inventory of the Goods and Chattels so seized, and shall give a notice in writing in the Form in the Schedule to this Act annexed (marked B) to the party from whom such rent is claimed to be due, or to any other person upon behalf of such party upon the said Premises that the said Goods and Chattels will be appraised and sold in manner therein mentioned. And that the said Officer shall file in the said Court true copies of the said Inventory and Notice, provided that it shall be lawful for the party from whom such rent is claimed to be due, at any time within five days from such seizure, to apply to any Commissioner of the said Court to discharge or suspend such warrant, and it shall be lawful for such Commissioner

ACT No. VII. OF 1847.

missioner to discharge or suspend such warrant accordingly, with or without costs, provided always that it shall be lawful for any of the said Commissioners in his discretion to give reasonable time to such party to pay the said rent.

IV. And it is hereby enacted, that in default of such application, it shall be lawful for any two of such Officers at the expiration of five days from such seizure to appraise the Goods and Chattels so seized, and to give notice in writing in the Form in the Schedule to this Act annexed (marked E.) of the sale thereof at such time and place as they shall direct, after an interval of not less than two days, and that they shall file in the said Court a true copy of the said Notice, and that the same shall be sold accordingly, and that the said Officers shall forthwith after realization of the produce of the said sale, pay over the amount thereof to the Chief Clerk of the said Court, and the amount of such produce shall be applied in satisfaction of the sum claimed to be due, together with the costs of the said distress, and that the surplus, if any, shall be returned to the party from whom the said rent was claimed to be due, provided that it shall be lawful for such party to direct that such sale shall take place in any other manner, such party giving security for any extra costs attending such mode of sale.

V. And it is hereby enacted, that no costs shall be taken or demanded for such distress except those contained in the Schedule to this Act annexed (marked C.), and that it shall be lawful for the said Commissioners to apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said Bailiffs and Appraisers as shall appear to the said Commissioners expedient, and that the Chief Clerk of the said Court shall keep a book in which all sums received as costs upon distresses made under the provisions of this Act, and all sums paid as remuneration to the said Bailiffs and Appraisers, and all contingent charges incurred in respect of such distresses

ACT No. VII. OF 1847.

tressess shall be duly entered, and that the Chief Clerk of the said Court shall also enter in the said book all sums realized by sale of the Goods and Chattels distrained and paid over to the Landlords under the provisions of this Act.

VI. And it is hereby enacted, that after the passing of this Act no distress shall be levied for arrears of rent amounting to Rupees 100, or less, except under the provisions of this Act, and that any person, except such Officer as appointed, levying or attempting to levy any such distress shall be guilty of a misdemeanor and shall be liable to be punished by fine and imprisonment for the same in addition to any other liability he may have incurred by such trespass.

VII. And it is hereby enacted, that this Act shall not extend to any arrears of rent exceeding 100 Rupees, nor in respect of any House or Premises situate out of Calcutta, nor to any rent due to Government, nor to any seizure except on the Premises in respect of which such rent is claimed.

A.

*In the Court of Commissioners for the Recovery of Small Debts in and
for the Settlement of Fort William in Bengal.*

Form of Warrant.

I hereby direct you to distrain the Goods and Chattels on the Premises of A. B., situate in —— in the Town of Calcutta, for the sum of —— Rs., being the amount of —— months' rent due to C. D.,
for

ACT No. VII. OF 1847.

for the same on the —— day of —— last according to the provisions of the Act No. VII. of 1847. Dated 1st day of May.

(Signed and Sealed)

To E. F., *Sworn Bailiff and Appraiser.*

B.

*In the Court of Commissioners for the Recovery of Small Debts in and
for the Settlement of Fort William in Bengal.*

Form of Inventory and Notice.

(State particulars of Goods seized.)

Take Notice that I have this day seized the Goods and Chattels contained in the above Inventory for the sum of —— Rs., being the amount of —— months' rent due to C. D., at —— last, and that unless you pay the amount thereof, together with the Costs of this Distress within five days from the date hereof, or obtain an order from one of the Commissioners of the Court of Requests to the contrary, the same will be appraised and sold pursuant to the provisions of the Act No. VII. of 1847.

(Signed) E. F.,

Sworn Bailiff and Appraiser.

To A. B.

C.

ACT No. VII. OF 1847.

C.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Scale of Fees to be levied in Distraints for House Rent.

Sums sued for.	Affidavit and Warrant to Distrain.	Order to Sell.	Commission.	Total.	Remarks.
1 and under 5 Rs.....	4 Annas,.....	8 Annas,.....	8 Annas,.....	Rs. 1 4	
5 and under 10 Rs.....	8 Annas,.....	8 Annas,.....	Rs. 1-0,.....	„ 2 0	
10 and under 15 Rs.....	8 Annas, ..	8 Annas,.....	Rs. 1-8,.....	„ 2 8	
15 and under 20 Rs.....	8 Annas,.....	1 Rupee,.....	Rs. 2-0,.....	„ 3 8	
20 and under 25 Rs.....	12 Annas,.....	1 Rupee,.....	Rs. 2-8,.....	„ 4 4	
25 and under 30 Rs.....	1 Rupee,.....	1 Rupee,.....	Rs. 3-0,.....	„ 5 0	
30 and under 35 Rs.....	1 Rupee,.....	1 Rupee,.....	Rs. 3-8,.....	„ 5 8	
35 and under 40 Rs.....	1 Rupee,.....	Rs. 1-8,.....	Rs. 4-0,.....	„ 6 8	
40 and under 45 Rs.....	Rs. 1-4,.....	Rs. 2-0,.....	Rs. 4-8,.....	„ 7 12	
45 and under 50 Rs.....	Rs. 1-8,.....	Rs. 2-0,.....	Rs. 5-0,.....	„ 8 8	
50 and under 60 Rs.....	Rs. 2-0,.....	Rs. 2-0,.....	Rs. 6-0,.....	„ 10 0	
60 and under 80 Rs.....	Rs. 2-8,.....	Rs. 2-8,.....	Rs. 6-8,.....	„ 11 8	
80 to 100 Rs.....	Rs. 3-0,.....	Rs. 3-0,.....	Rs. 7-0,.....	„ 13 0	

The above scale is intended to include all expences except in Suits where the Tenant disputes the Landlord's claim, and Witnesses have to be subpoena'd, in which case, each Subpœna for sums under Rs. 40 must be paid for at 4 Annas each, and 12 Annas above that amount—and also where Peons were kept in charge of property distrained, 4 Annas per day must be paid per man.

D.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

A. B. — (Plaintiff,)

versus

C. D. — (Defendant.)

A. B.,

ACT No. VII. OF 1847.

A. B., Inhabitant of —————, in the Town of Calcutta, ———
————— maketh oath and saith, that C. D. ————— who is also
an Inhabitant of the Town of Calcutta, is justly indebted to ———
——— in the sum of Company's Rupees ————— for arrears of
rent of the House and Premises No. ———, situated at —————,
in the Town of Calcutta, due for ——— month, to wit from ———
to ———, at the rate of Co.'s Rs. ——— per mensem.
Sworn before me the ——— day of ——— 184 ———

Commissioner.

—————
E.

*In the Court of Commissioners for the Recovery of Small Debts in and
for the Settlement of Fort William in Bengal.*

Take Notice that we have appraised the Goods and Chattels seized
on the —————, under the provisions of the Act No. VII. of
1847, of which a Notice and Inventory had been duly served upon you
under date the —————, and that the said Goods and
Chattels will be sold on the ——— at ——— pursuant to
the provisions of the said Act.

(Signed) E. F.,

G. H.,

To A. B.

Sworn Bailiffs and Appraisers.

1847/48
Civil Aud^g Sudh. 1333

ACT No. VIII. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 8th May 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for rendering lawful the Emigration of Laborers from the Port of Madras, in the Presidency of Fort St. George, to Mauritius.

IT is hereby enacted, that from and after the passing of this Act emigration to Mauritius may lawfully take place under the provisions of the Act No. XV. of 1842, from the Port of Madras as well as from the Port of Calcutta.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George to nominate a proper person to act as Protector of Emigrants at Madras, and that no Emigrant shall be permitted to embark without a Certificate from the Agent appointed by the Government of Mauritius, countersigned by the Protector, to the effect that such person has been engaged by him as an Emigrant to that Island on the part of the said Government.

1847/48
Civil List No. 1324-

ACT No. IX. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 8th of May 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act regarding the Assessment of Lands gained from the Sea or from Rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa.

I. **IT** is hereby enacted, that such parts of the Regulations of the Bengal Code as establish tribunals and prescribe rules of procedure for investigations regarding the liability to assessment of lands gained from the sea or from rivers by alluvion or dereliction, or regarding the right of Government to the ownership thereof, shall from the date of the passing of this Act cease to have effect within the Provinces of Bengal, Behar and Orissa; and that all such investigations pending before the Collectors and Deputy Collectors in the said Provinces at the said date, shall forthwith be discontinued; and that no measures shall hereafter be taken for the assessment of such lands, or for the assertion of the right of Government to the ownership thereof, except under the provisions of this Act.

II. And it is hereby enacted, that the expression "Province of Orissa" in this Act shall be taken to mean only so much of the Province of Orissa as is subject to the Government of Bengal.

III. And

ACT No. IX. OF 1847.

III. And it is hereby enacted, that within the said Provinces it shall be lawful for the Government of Bengal in all districts or parts of districts of which a revenue survey may have been or may hereafter be completed and approved by Government, to direct from time to time, whenever ten years from the approval of any such survey shall have expired, a new survey of lands on the banks of rivers and on the shores of the sea, in order to ascertain the changes that may have taken place since the date of the last previous survey, and to cause new maps to be made according to such new survey.

IV. And it is hereby enacted, that the approval of the revenue surveys of the following districts and parts of districts shall be deemed to have taken place on the undermentioned days, viz.

Of the district of Chittagong on the Sixth day of September 1842.

Of the district of Behar on the Ninth day of November 1844.

Of the district of Patna on the Twenty-second day of June 1844.

Of the district of Shahabad on the Twenty-eighth day of November 1846.

Of the district of Sarun on the Eighteenth day of February 1847.

Of Pergunnah Furkyah, in the district of Monghyr, on the Nineteenth day of September 1839.

Of the Northern division of the Province of Cuttack on the Twenty-fourth day of October 1842.

Of the central division of the Province of Cuttack on the Twenty-second day of February 1843.

Of the Southern division of the Province of Cuttack on the Nineteenth day of October 1842.

Of the district of Midnapoor, except Hidgellee and Tumlook, on the Twelfth day of September 1845.

Of Hidgellee and Tumlook, in the district of Midnapoor, on the Fifth day of October 1842.

Of

ACT No. IX. OF 1847.

Of the district of Cachar on the Fifth day of February 1844.

Of Jynteeah and the Pergunnahs of Chapghat, Echamuttee, Ittisamnuggur and Bhurrun, in the district of Sylhet, on the Fifth day of February 1844.

Of the district of Gwalparah on the Twenty-fourth day of December 1842.

Of the district of Luckimpore on the Tenth day of November 1845.

Of the district of Seebpoor on the Eighth day of May 1843.

And that the approval of the revenue surveys of districts or parts of districts which may be hereafter surveyed, shall be deemed to have taken place on such day as may be specified as the day of such approval in the Calcutta Government Gazette.

V. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that land has been washed away from or lost to any Estate paying revenue directly to Government, they shall without loss of time make a deduction from the sudder jumma of the said Estate equal to so much of the whole Sudder Jumma of the Estate as bears to the whole the same proportion as the Mofussil Jumma of the land lost bears to the Mofussil Jumma of the whole Estate; but if the Mofussil Jumma of the whole Estate or of the land lost cannot be ascertained to the satisfaction of the Local Revenue Authorities, then the said Local Revenue Authorities shall make a deduction from the Sudder Jumma of the Estate equal to so much of the whole Sudder Jumma of the Estate as bears to the whole the same proportion as the land lost bears to the whole Estate. And this deduction with the reasons thereof shall be forthwith reported by the Local Revenue Authorities for the information and orders of the Sudder Board of Revenue, whose orders thereupon shall be final.

VI. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that

ACT No. IX. OF 1847.

that land has been added to any Estate paying revenue directly to Government, they shall without delay assess the same with a revenue payable to Government according to the rules in force for assessing alluvial increments, and shall report their proceedings forthwith to the Sudder Board of Revenue whose orders thereupon shall be final.

VII. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that an Island has been thrown up in a large and navigable river liable to be taken possession of by Government under Clause Third, Section 4, Regulation XI. 1825, of the Bengal Code, the said Local Revenue Authorities shall take immediate possession of the same for Government and shall assess and settle the land according to the rules in force in that behalf, reporting their proceedings forthwith for the approval of the Sudder Board of Revenue, whose orders thereupon in regard to the assessment shall be final. Provided however that any party aggrieved by the act of the Revenue Authorities in taking possession of any Island as aforesaid shall be at liberty to contest the same by a regular suit in the Civil Court.

VIII. And it is hereby enacted, that nothing in this Act contained shall affect suits for the assessment or for establishing the right of Government to the ownership of alluvial lands now pending in appeal before the Special Commissioners, or such as having been decided by the Lower Resumption Courts are at the date of the passing of this Act open to appeal to the Court of the Special Commissioners according to the Laws heretofore in force, and that all such cases shall be dealt with as if this Act had not been passed.

IX. And it is hereby enacted, that except as regards the proprietary right to Islands no suit or action in any Court of Justice shall lie against the Government, or any of its Officers on account of any thing done in good faith in the exercise of the powers conferred by this Act.

1847/48
Civil Auditor's
Luo No. 2008.

ACT No. X. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 19th of June 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for amending Act XXX. of 1836.

IT is hereby enacted, that within the Territories subject to the Government of the East India Company whenever any Court not included under the provisions of Act XXIV. of 1843, shall sentence any offender to imprisonment for life under the provisions of Act XXX. of 1836, it shall at the same time sentence such offender to transportation beyond sea for life, unless there should be special reasons inducing the Court to think such prisoner not a proper subject for transportation, which special reasons the Court is hereby directed to record.

1847/48
Encl. under No. 2009.

ACT No. XI. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 7th of August 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act to authorize the reception of Convicts transported from Her Majesty's Settlement of Hong Kong.

IT is hereby enacted, that it shall be lawful for the Governor General of India in Council in his executive capacity to authorize the Governor of Prince of Wales' Island, Singapore and Malacca, to receive in the said Settlements, and the Resident Councillors of Prince of Wales' Island, Singapore and Malacca, to receive in each of the said Settlements respectively, Convicts who have been duly sentenced to transportation by any competent Court in Her Majesty's Settlement of Hong Kong, and that every such Convict when so received at any such place, shall be liable to all such and the same Laws, Rules and Regulations as are or shall be in force in any such place with respect to Convicts transported from any place within the Territories subject to the Government of the East India Company.

*1847/48
Civil and Crim. Law No. 2536.*

ACT No. XII. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 21st of August 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for repealing the Law which authorizes the imposition of fines on Moonsiffs and Sudder Ameens.

WHEREAS it was enacted by Clause 3, Section 9, Regulation XXIII. of 1814, of the Bengal Code, that in cases of misconduct and neglect of duty which might not be of a nature to require the suspension or dismissal of a Moonsiff from his office, the Judge should be authorized to impose on the Moonsiff a fine not exceeding Twenty Rupees in amount, and that the order of the Judge in such case should be final :

And whereas by Section 67 of the said Regulation the provision above recited, was declared amongst other things to be applicable to the office of Sudder Ameens, as well as to that of Moonsiffs :

And whereas the provision above recited, is no longer adapted to Moonsiffs and Sudder Ameens, in the more elevated Judicial position which they now occupy :

It is therefore hereby enacted, that Clause 3, Section 9, Regulation XXIII. of 1814, and Section 67 of the said Regulation, so far as it declares the said Clause to be applicable to Sudder Ameens, are repealed.

*1847/1848
Act No. 2537.*

ACT No. XIII. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 21st of August 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for repealing Act XIV. of 1839 so far as it relates to the Emigration of Natives of India to the Island of Ceylon.

I. **W**HEREAS by Act XIV. of 1839 it was enacted, that every person who should make with any Native of India any contract for labor to be performed in any British or Foreign Colony without the Territories of the East India Company, or who should knowingly abet or aid any Native of India in emigrating from the said Territories for the purpose of being employed as a laborer, should be liable on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding 200 Rupees for every Native so contracted with, aided or abetted, and in default of payment of such fine, should be liable to be imprisoned for a term not exceeding three months :

Provided always that nothing in that Act contained should be taken to apply to any Native Seaman who should of his own free will contract to navigate any Vessel, or who should embark on board such Vessel in pursuance of such contract, or to any person who should contract to serve as a Menial Servant only, or who should embark as such Menial Servant :

ACT No. XIII. OF 1847.

And whereas the Island of Ceylon geographically, historically and socially considered is analogous to the Countries subject to the Government of the East India Company :

It is hereby enacted, that Act XIV. of 1839 in so far as it makes liable to penalties every person who shall make with any Native of India any contract for labor to be performed in the said Island, or who shall knowingly aid or abet any Native of India in emigrating from the Territories subject to the Government of the East India Company to the said Island, is repealed.

II. But whereas the said Island is not subject to the Legislative power of the Governor General of India in Council, so that the said Governor General in Council is unable to make Laws for the protection of such Natives of India as may emigrate to the said Island against the evils which might attend the emigration of such Natives of India from the said Island to any British or Foreign Colony :

It is thereof hereby enacted, that this Act shall not come into operation until the Governor General of India in Council shall be duly certified that the Legislature of the said Island has made such Laws as the said Governor General in Council shall think sufficient for the protection of such Natives of India so emigrating to the said Island against the evils aforesaid, and shall notify in the Gazette that he has been so certified.

Recd. Secy. to Govt. 2538

ACT No. XIV. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 28th of August 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for repealing parts of Section III. Regulation IV. 1793, and Section III. Regulation III. 1803, of the Bengal Code.

IT is hereby enacted, that so much of Section III. Regulation IV. 1793, and of the corresponding part of Section III. Regulation III. 1803, of the Bengal Code, as requires the transcription of complaints, be repealed.

Civil Auditor's Lms. No. 2803 of 1847/48

ACT No. XV. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 11th day of September 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for the Survey of Lands in the Town of Calcutta, within the Local limits of the Jurisdiction of Her Majesty's Supreme Court of Judicature.

WHEREAS it is expedient that a correct Survey should be made of all lands in the Town of Calcutta within the local limits of Her Majesty's Supreme Court of Judicature :

It is therefore hereby enacted, that it shall be lawful for the Governor of Bengal to appoint an Officer to Survey the lands situate within the said local limits, and such Officer shall proceed to Survey the same and to register the names of the owners and occupiers thereof as far as they can be ascertained, and such Officer shall, by public notification, invite all persons owning or occupying lands and tenements within the said local limits to appear before him in person or by duly constituted attorney at whatever place within the said limits his office may be held, and to bring with him all Pottahs, Ground Rent Bills, Bills of Sale, or other writings requisite for the ascertainment of the past and present boundaries of such lands.

II. And

ACT No. XV. OF 1847.

II. And it is hereby enacted, that the said Officer shall for the purposes of this Act have full power and authority at all seasonable hours in the day time to enter or to direct his Subordinate Officers to enter into and upon any land or tenement within the said local limits, and in and upon the land on which any house, building or other erection is built or building or intended to be built, and into and upon any buildings or any part thereof without being liable to any action at law or suit in Equity, or any other legal proceedings or molestation whatsoever for or on account of such entry into, or of any thing done or to be done in any part thereof in pursuance of this Act. Provided, that such Officer or Subordinate Officers shall not enter upon any lands or tenements which may be occupied at the time unless with the consent of the occupier thereof, without previously giving the said occupier reasonable notice of his or their intention to do so. Provided also, that if any action shall be commenced in the Supreme Court against any such Officer or Subordinate Officer for any entry made or other thing done under the authority of, or in pursuance of this Act, it shall be lawful for him or them to plead the general issue and to give the special matter in evidence.

III. And it is hereby enacted, that if any person at any time shall obstruct or molest the said Officer or any of his subordinate Officers in the performance and execution of his or their duty, or any thing which they are required to do by or by virtue or in consequence of this Act, every such person so offending shall be guilty of a misdemeanour and shall on conviction before a Magistrate for the Town of Calcutta forfeit and pay for every such offence any sum not exceeding 200 Rupees.

IV. And whereas such notification as is directed by Section 1 of this Act, may not in all cases be effectual, it is therefore hereby enacted, that it shall be lawful for the Surveying Officer to cause any person owning or occupying lands or tenements within the said local limits,

ACT No. XV. OF 1847.

limits, or his agents or representatives, to be served with a special notice under his official seal and signature, stating the purpose for which the attendance of such person is required, and any document essential for the purposes of this Act which such person is to bring with him and the period within which such person is to attend, and if such person cannot be found the notice shall be affixed to his usual place of residence if that be within the said local limits, or if not, then on the Premises to be surveyed. Provided always, that no person shall be required to produce any Title Deed which such person may object to produce.

V. And it is hereby enacted, that for any investigation connected with the purposes of this Act it shall be lawful for the Surveying Officer by writing under his hand to summon any person whatsoever to attend as a witness at a time and place to be specified in such summons, and that every witness so duly summoned to attend as aforesaid, who shall not attend, or who attending shall refuse to give evidence on oath or solemn affirmation, or declaration, or to answer all such questions as the Surveying Officer may legally demand shall be liable to be attached in the Supreme Court upon complaint made in like manner as if such witness had neglected to attend on any trial in such Supreme Court.

VI. And it is hereby enacted, that any witness examined before such Surveying Officer shall be examined upon oath, which such Surveying Officer is hereby authorized to administer. Provided always, that in all cases wherein a solemn declaration or affirmation would be allowed in Her Majesty's Courts of Judicature to be substituted for an oath, the said Surveying Officer shall substitute such solemn declaration or affirmation for an oath.

VII. And it is hereby enacted, that any witness wilfully and knowingly giving false testimony on oath or solemn declaration or affirmation before such Surveying Officer shall be deemed guilty of wilful and corrupt perjury.

ACT No. XVI. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 23d of October 1847, with the assent of the Right Hon'ble the Governor General of India.

For constituting Commissioners for the Improvement of the Town of Calcutta partly by appointment of the Government and partly by election of the Rate-payers.

WHEREAS by the 158th Section of the 52d Chapter of the Statute 33, George III., certain powers and duties in regard to the collection and disbursement of the Assessment thereby authorized to be made by the Justices of the Peace within or for the Presidency of Fort William, were conferred and imposed upon the said Justices. And whereas by Act No. XXIV. of 1840, certain changes were made in the Law relating to the said Assessment.

And whereas it is apparent that the Sewerage and Drainage of the Town of Calcutta, and the supply of water for the domestic use of the inhabitants thereof, and the due cleansing of Drains therein, and the means of providing for the due ventilation of the Town, and the repairing, cleansing and lighting the roads and streets, and the making convenient lines of communication by spacious streets, and the preventing and removing of nuisances, and the due provision of adequate means for the relief of the sick

ACT No. XVI. OF 1847.

sick poor in the said Town are very defective, all which cause excessive disease and great mortality. And whereas the Laws and Regulations now in force, and the pecuniary means applicable to the said objects are wholly insufficient for the remedy of so great a mischief, and whereas it is expedient that remedy should be had herein.

I. It is hereby enacted, that Act No. XXIV. of 1840, entitled an Act for amending the Law with respect to Rates for municipal purposes within the Town of Calcutta, is repealed.

II. And it is hereby enacted, that all the said powers and duties in regard to the collection and disbursement of the said Assessments shall from and after the First day of January 1848 cease to be exercised and performed by the said Justices for the Town of Calcutta, and shall be exercised and performed by a Board of Seven Commissioners to be called the Commissioners for the Improvement of the Town of Calcutta, of whom three shall be appointed by the Governor of Bengal, and four shall be elected by the Rate-payers of the Town of Calcutta, that is to say, one by the Rate-payers of each of the following Divisions, viz,

1st or Upper North Division, bounded

A North by Maharattah Ditch.

South by Cotton Street and Meerbhur's Ghaut Street.

East by Chitpore Road.

West by River Hooghly.

B North by the Maharattah Ditch.

South by Mutchoa Bazar.

West by Chitpore Road.

East by Central Road.

C North and East by Circular Road.

South by Mutchoa Bazar Road.

West by Central Road.

2d or

ACT No. XVI. OF 1847.

2d or Lower North Division, bounded

- A** North by Cotton Street and Meerbhur's Ghaut Street.
South by the Police Ghaut, Hare Street, North side of Tank Square and Loll Bazar.
East by Chitpore Road.
West by the River Hooghly.
- B** North by Mutchua Bazar.
South by Bow Bazar Street.
East by Central Road.
West by Chitpore Road.
- C** North by Mutchua Bazar.
South by Bow Bazar Street.
East by Circular Road.
West by Central Road.

3d or Upper South Division, bounded

- A** North by Police Ghaut, Hare Street, North side of Tank Square and Loll Bazar.
South by East and West Esplanade Row
East by Cossitollah Street.
West by the River Hooghly.
- B** North by Bow Bazar Street
South by Dhurumtollah.
West by Cossitollah.
East by Central Road.
- C** North by Boitakhanna Street.
South by Dhurumtollah ditto.
East by Circular Road.
West by Central Road.

4th or

ACT No. XVI. OF 1847.

4th or Lower South Division, bounded

A North by Dhurumtollah Street.

South by Park Street.

East by Circular Road.

West by Chowringhee Road.

B South and East by Circular Road.

North by Park Street.

West by Chowringhee Road;

or of such other Divisions as the Governor of Bengal may from time to time appoint ; or in default of election shall be appointed by the said Governor of Bengal, and any vacancies which may from time to time occur in the situations of any of the Commissioners who shall have been appointed by the said Governor, shall be filled up by the appointment of the said Governor.

III. And it is hereby enacted, that the said Commissioners shall severally receive such Salaries as may from time to time be fixed by the Governor of Bengal, with the concurrence of the Governor General in Council, and that for the exercise and performance of all the powers and duties hereinbefore or hereinafter conferred and imposed upon the said Commissioners, five shall be a quorum. Provided always and it is hereby enacted, that it shall be lawful for any one of the said Commissioners to issue a warrant of Distress for the recovery of any arrears of any rates or taxes accruing under the said 158th Section of the said Statute or under this Act.

IV. And it is hereby enacted, that the time and place and manner of the elections of the said elective Commissioners in each of the said Divisions shall be according to such scheme as shall be agreed upon by a general meeting of the Owners and Occupiers of assessed houses, buildings and grounds in the said Town, consisting of not less than one hundred
of

ACT No. XVI. OF 1847.

of the said Owners and Occupiers, and presented on behalf of such meeting to the Governor of Bengal and approved by him. But so as such elections shall take place annually.

Provided always and it is hereby enacted, that if no such general meeting shall be held within one month from the passing of this Act, or if no such scheme shall be presented on behalf of such meeting to the Governor of Bengal within one month after such meeting shall have been held, it shall then be lawful for the said Governor of Bengal to appoint the whole of the said Commissioners.

Provided also and it is hereby enacted, that the scheme shall be laid by the Governor of Bengal before the Governor General in Council for his approbation, and shall not be in force until such approbation shall have been signified in writing.

V. And it is hereby enacted, that the said Commissioners shall from and after the said day have power within the said Town to levy upon the Owners or Users of the several kinds of Carriages, Carts and Horses mentioned in the Schedule to this Act annexed, taxes according to the rates mentioned in the said Schedule, and that the said Commissioners shall have power and discretion to compound with Livery Stable Keepers and other persons keeping Carriages and Horses for hire for an annual rate of tax to be assessed upon the Carriages and Horses in their Establishments in lieu of taxes according to the rates, mentioned in the said Schedule.

VI. And it is hereby enacted, that the said taxes according to the rates mentioned in the said Schedule shall be levied quarterly, and that every person who has been the Owner or User of a Carriage or Horse within the said Town during thirty days in any one quarter shall be liable for the taxes of that entire quarter. Provided always that no person who has
not

ACT No. XVI. OF 1847.

not been the Owner or User of a Carriage or Horse within the said Town during thirty days in any one quarter shall be liable to any tax in respect of any Carriage or Horse. Provided also that no such tax shall be levied in respect of any Horse, Carriage or Cart in the employment of Government.

VII. And it is hereby enacted, that the assessments and rates made under the authority of the Statute 33 George III. C. 52, Section 158, and of Section II. of this Act, shall be of such amount as together with the amount of the taxes to be levied by the Commissioners under Section V. of this Act, and together with such other funds as may be placed at the disposal of the said Commissioners by the Government of Bengal, shall appear to the said Commissioners expedient for completely effecting the purposes specified in this Act, any thing in the said 158th Section of the said Statute notwithstanding. Provided always, that no rate shall be made exceeding five per cent. on the assessed value of property without the sanction of the Governor of Bengal.

VIII. And it is hereby enacted, that for the assessment and collection of the rates and taxes to be levied by the said Commissioners it shall be lawful for the said Commissioners to appoint such Assessor or Assessors, Collector or Collectors, to make such union of the offices of Assessor and Collector, and to prescribe such rules and take such securities for the due execution of the duties of such Assessors and Collectors as the said Commissioners shall deem expedient, and such Assessors and Collectors shall receive such salaries as the Government of Bengal may see fit to sanction.

IX. And it is hereby enacted, that it shall not be necessary in any assessment rate or warrant of distress under the said Statute, and this Act, to specify the names of the Owners or Occupiers of houses, buildings and grounds; but it shall be sufficient if every property rated be identified,
and

ACT No. XVI. OF 1847.

and in the case of houses numbered in any street, that the name of the street and number of the house rated be particularly specified.

X. And it is hereby enacted, that the Goods and Chattels of the Owners of any houses, buildings or grounds rated under the said Statute, and this Act, shall be seizable any where (except Goods and Chattels concealed as hereinafter mentioned) for deficiency in the payment of rates, and that all Goods and Chattels which shall be found upon any premises rated shall be seizable for any arrears, which may be due for a period of one year immediately preceding such seizure, and in the case of the seizure of the Goods and Chattels of a tenant under such circumstances, such tenant may deduct the amount of the levy from the next payment of his rent.

XI. And it is hereby enacted, that when there is ground to suspect that Goods and Chattels liable to distress under the said Statute, and this Act, are concealed in any Zenana, the Officer charged with the execution of the warrant shall make a special report to the Commissioner granting the same, who shall thereupon follow as closely as is practicable, the rules for the seizure of Goods and Chattels in like cases adopted by Her Majesty's Supreme Court.

XII. And it is hereby enacted, that it shall be lawful for the said Commissioners, and they are hereby required to make rules and as occasion may require to add to, revoke or alter the same, for the regulation of the time and manner of assessing and levying the said taxes, and for compelling persons to give any information which may be necessary for that purpose, and for imposing penalties upon persons not performing any duty cast upon them by the said rules for the said purpose, and upon persons obstructing any persons acting under the said Commissioners in that behalf so as that such penalty shall not in any case exceed 100 Rupees.

XIII. And

ACT No. XVI. OF 1847.

XIII. And it is hereby enacted, that such rules shall be laid before the Governor of Bengal and approved by him, and shall then be laid by the said Governor of Bengal before the Governor General in Council, and when approved by him shall have the force of law. Provided always, and it is hereby enacted, that the said taxes shall not be leviable until such rules have been so made and approved.

XIV. And it is hereby enacted, that it shall be lawful for the said Commissioners to levy the arrears of the said taxes and any penalties which may be incurred under the said rules by the same process of distress as is hereinbefore provided for the levying of the aforesaid rates on houses, buildings and grounds.

XV. And it is hereby enacted, that the whole proceeds of the said rates and taxes, after paying all Salaries, Establishments and incidental expences of the said Commissioners shall, together with such monies as the Government of Bengal with the sanction of the Governor General in Council may direct to be paid over to the said Commissioners, be applied by them to the following purposes, viz.

1. Formation of Tanks and Aqueducts for the conveyance of water to all parts of the Town.
2. Opening of Streets and Squares in crowded parts of the Town.
3. Filling up stagnant pools of water and removing obstructions to the free circulation of air.
4. Lighting and watering the roads and streets.
5. Cleansing and repairing the same, and the drains of the said Town.
6. And in improving and embellishing the said Town generally.

SCHEDULE.

ACT No. XVI. OF 1847.

SCHEDULE.

Per Annum.

For every 4 wheeled Carriage on springs, drawn by two Horses,	32 Rs.
„ every 4 wheeled ditto ditto, by one Horse,	- - - - 7 „
„ every 2 wheeled ditto ditto, by one Horse or two Horses,	- 16 „
„ every Karanchee, Hackery or Cart,	- - - - - 5 „
„ every Riding Horse or Pony,	- - - - - 18 „
„ every Draught Horse,	- - - - - 2 „
„ every Draught Pony or Tattoo,	- - - - - 1 „
„ every Draught or burthen Bullock,	- - - - - 8 As.

Civil Auditor's Secy No. 3485 of 1847/48

ACT No. XVII. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 6th November 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for remedying a defect in the Law regarding undiscovered defaults in the prosecution of Suits.

WHEREAS inconvenience has resulted from the rule that the discovery of defaults in the prosecution of suits and appeals brought in any Court of the East India Company, within the Territories subject to the Presidencies of Bengal and Madras, invalidates all proceedings in such suits and appeals, which may have been had since the occurrence of such default :

It is hereby enacted, that in the said Courts every default of a plaintiff or appellant, in all suits or appeals now pending or hereafter to be brought, and in all suits which have been decided but are still open to appeal, shall be held to be cured whenever the opposite party, passing over the default, shall have taken any step in the suit or appeal, and whenever the Court shall have passed judgment in the suit or appeal, whether such opposite party shall or shall not have taken any such step.

ACT' No. XVIII. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 27th November, 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for curing the invalidity in the registration of Deeds arising from the fact of having been registered by persons not duly appointed or on other than Court days.

WHEREAS instances have occurred of persons exercising the office of Register of Deeds who have not been duly appointed, and whereas in some cases registration of Deeds has been made on other than Court days, that is on days other than those on which the Zillah or City Court has been open for business, and doubts may therefore arise as to whether the registration of any Deed registered by such persons not duly appointed, or registered on other than a Court day, is valid in law :

I. It is therefore hereby enacted, that acts which may have been done in that capacity in any Zillah, subject to the Presidency of Bengal, by persons who have had charge of the office of Register of Deeds without being duly appointed to the said office, shall be and shall be taken to have always been as valid in law as such acts would have been if the said persons had been duly appointed to have charge of the said office.

II. And

ACT No. XVIII. OF 1847.

II. And it is enacted, that all acts which may have been done on other than Court days by the Register of Deeds, or by the person having charge of the office without being duly appointed, in any Zillah subject to the Presidency of Bengal, shall be and shall be taken to have always been as valid in law as such acts would have been if they had been done on a Court day.

ACT No. XIX of 1847.

The following Act is brought up before the Legislative Council this day, the 18th December 1847, the Governor General of India in Council being desirous that no time should be lost in passing the Act.

AN ACT to make certain Amendments in the Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company.

WHEREAS it is expedient to make certain Amendments in the Articles of War provided by Act XX. of 1845, for the Government of the Native Officers and Soldiers in the Military Service of the East India Company, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers :

I. It is therefore hereby enacted, that from and after the First day of March 1848, the Articles of War provided by Act XX. of 1845, are repealed.

II. And it is enacted, that the following Articles of War shall from and after the said day be the Articles of War for the Government of the said Native Officers and Soldiers in the Military Service of the said Company, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers. Provided always that all Crimes and Offences committed against the Articles of War provided by Act XX. of 1845 aforesaid may be inquired of and punished in like manner as if they had been committed against the Articles of War hereby provided ; and that every Warrant for holding any Court Martial under the Articles of War provided by the Act XX. of 1845 aforesaid, shall remain in full force notwithstanding the repeal of such Articles ; and that all proceedings of any Court Martial upon any trial begun under such Articles, shall not be discontinued by the repeal of the same.

ARTICLES OF WAR.

SECTION I.

Of Inlisting and Discharges.

ARTICLE I.

Every Recruit, prior to being enrolled in his Regiment, shall have the First Four Articles of the second Section of these Articles of War read and explained to him,

ACT No. XIX, of 1847.

him, and when reported fit for duty in the ranks, such Declaration as is now used, if any, in the respective Presidencies, shall be made to him by the Officer Commanding, in front of the Regiment or Corps, in presence of the Native Officers and Soldiers, and an oath or declaration shall then be required from him, according to the forms of his Religion, such oath and declaration to be the like as are now used in the respective Presidencies.

* ARTICLE 2.

No Commissioned Officer shall be dismissed except by the Sentence of a General Court Martial. No Non-Commissioned Officer or Soldier shall be discharged as a punishment except by the Sentence of a Court Martial, or by order of the Commander-in-Chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to Pension. Provided also, that the Governor General in Council in his executive capacity, and the Governor in Council of any Presidency to which a Commissioned or Non-Commissioned Officer or Soldier may belong, shall have power to order his dismissal or discharge.

ARTICLE 3.

All Non-Commissioned Officers and Soldiers discharged the Service, shall be furnished by the Commanding Officer of the Regiment with a Discharge Certificate, made out in the Vernacular Language of the individual discharged, with an English Translation, expressing the authority for, and cause of, such Discharge, and the period of his entire Service in the Army.

ARTICLE 4.

No Non-Commissioned Officer or Soldier shall enlist himself in any other Regiment without a regular Discharge from his former Regiment, under the penalty of being reputed a Deserter, and suffering accordingly.

SECTION II.

Crimes and Punishment.

Crimes punishable with Death, Transportation, Corporal Punishment, Imprisonment, or Dismissal.

ARTICLE 5.

Any Officer, or Soldier, who shall begin, excite, cause, or join in any Mutiny or Sedition in the Regiment or Corps to which he belongs, or in any other Corps or Regiment whatsoever, on any pretence whatever; or who, being present at any Mutiny or Sedition, shall not use his utmost endeavours to suppress it; or who, coming to the knowledge of any Mutiny, intended Mutiny, or concealed combination against the State, shall not without delay give information thereof to his Commanding Officer; — or

ARTICLE 6.

ACT No. XIX. OF 1847.

ARTICLE 6.

Who shall strike his Superior Officer, or shall draw, or offer to draw, or lift up any weapon, or use or offer any violence, against him ; whether on or off duty, and under all circumstances in which his Superior Officer may be distinguishable as such in any manner ; — or

ARTICLE 7.

Who shall disobey any lawful Command of his Superior Officer ; — or

ARTICLE 8.

Who shall desert from the East India Company's Service, (whether or ~~not~~ he shall re-enter or re-enlist in the same ;) — or

ARTICLE 9.

Who, being a Sentry, in time of War or alarm, shall sleep upon his post ; or shall leave it before regularly relieved, or without leave ; or shall plunder or injure the property placed under his charge ; — or

ARTICLE 10.

Who shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard, committed to his charge, or which it was his duty to defend ; or who shall use means to induce any other Officer or Soldier so to abandon or deliver up any such Garrison, Fortress, Post, or Guard ; — or

ARTICLE 11.

Who shall treacherously make known the watchword to any person not entitled to receive it, according to the Rules and Discipline of War ; — or

ARTICLE 12.

Who shall hold correspondence with or give intelligence to the Enemy, or any person in arms against the State, either directly or indirectly ; or who, coming to the knowledge of such correspondence or communication, shall not discover it immediately to the Commanding Officer ; — or

ARTICLE 13.

Who shall directly or indirectly assist or relieve the Enemy, or persons in arms against the State, with Money, Victuals, or Ammunition ; or shall knowingly harbour or protect any Enemy or person in arms against the State ; — or

ARTICLE 14.

Who shall treacherously release, wilfully aid, or connive at the escape of any Enemy or person in arms against the State, placed as a Prisoner under his charge ; — or

ARTICLE 15.

Who shall misbehave himself before the Enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave ; — or

ARTICLE 16.

ACT No. XIX OF 1847.

ARTICLE 16.

Who shall in presence of an Enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition ; — or

ARTICLE 17.

Who shall leave his Commanding Officer, or his Post, or Colours, or Party, in time of action, to go in search of plunder ; — or

ARTICLE 18.

Who, in time of War, shall do violence to any person bringing provisions or other necessities to the Camp or Quarters of the Forces ; or shall force a Safe-guard, or break into any house, or other place for plunder ; or plunder fields, or gardens, or other property ; — or

ARTICLE 19.

Who, in time of War, shall, by discharging fire-arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms, in Action, Camp, Garrison, or Quarters ; — or

ARTICLE 20.

Who shall, without proper authority, release any State Prisoner, or through carelessness or neglect shall suffer any such Prisoner to escape ; or shall connive at the plunder or injury of property in time of War, or the plunder or injury of Treasure, or of a Magazine, or Dock Yard by the Sentry or Guard in whose charge such property, or Treasure, or Magazine, or Dock Yard is placed ; — or

ARTICLE 21.

Who, being a Sentry placed over any State Prisoner, or over Treasure, or over a Magazine, or Dock Yard, shall quit his Post without being regularly relieved, or without leave ; or shall sleep upon his Post ; or shall plunder or injure the property placed under his charge ;

Shall, if an Officer, on conviction, suffer Death or Transportation for life, or be dismissed the Service ;

And, if a Soldier, shall, on conviction, suffer Death or Transportation for life ; or Imprisonment with or without hard labor, for life or for any term of years ; and with or without Solitary Confinement for any portion or portions of the term of Imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of Solitary Confinement of not less duration than such periods of Solitary Confinement ; or shall suffer Corporal Punishment, or Dismissal from the Service, as by a General Court Martial shall be awarded. Provided that no Soldier shall be kept in Solitary Confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his Commanding Officer.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General or District Court Martial, with Dismissal, Reduction, Corporal Punishment, or simple Imprisonment with or without Solitary Confinement, or loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

ARTICLE 22.

ACT No. XIX. OF 1847.

ARTICLE 22.

Any Officer or Soldier who shall in operations in the Field, spread reports, by words or letters, calculated to create unnecessary alarm in the Troops, or in the vicinity, or in rear of the Army ; — or

ARTICLE 23.

Who shall, in Action or previously to going into Action, use words tending to create Alarm or Despondency ; — or

ARTICLE 24.

Who shall be drunk when on, or for duty, or on Parade, or on the line of March ; — or

ARTICLE 25.

Who shall strike or force any Sentry ; — or

ARTICLE 26.

Any Soldier who shall be grossly insubordinate or insolent to his Superior Officer in the execution of his office ; or grossly insubordinate and violent in the presence of a Court Martial ; — or

ARTICLE 27.

Who, being on actual Service, shall refuse to assist in making Field Works ;

• Shall, if an Officer, on conviction, be sentenced to be dismissed the Service, or to be suspended from Rank and Pay and Allowances ;

And, if a Soldier, shall, on conviction, before a General, or District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be Sentenced to Death or Transportation or Imprisonment with hard labor.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General or District Court Martial, with Dismissal, Reduction, Imprisonment with or without hard labor, and with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

ARTICLE 28.

Any Officer who shall behave in a manner unbecoming the character of an Officer ; (the fact or facts whereon the charge is grounded being clearly specified therein ;) — or

ARTICLE 29.

Any Officer or Soldier who shall advise or persuade any other Officer or Soldier to desert, or who shall connive at such desertion ; or who shall knowingly receive and entertain any Deserter, and shall not immediately on discovery give notice to his Superior Officer ; or shall not cause such Deserter to be apprehended by the Civil Power ; — or

ARTICLE 30.

ACT No. XIX. OF 1847.

ARTICLE 30.

Who shall obtain or attempt to obtain for himself, or for any Officer or Soldier ; or for any other person whatsoever, any Pension or Allowance, by any false Statement, Certificate, or Document, or by the omission of the true Statement, or Certificate, or Document ; — or

ARTICLE 31.

Who shall knowingly make a false Return or Report, to any his Superior Officer authorized to call for a Return or Report of the state of the men under his Command, or of Arms, Ammunition, Clothing, or other Stores thereunto belonging, or of which he may have charge ; — or

ARTICLE 32.

Who, at any post, or on the march, shall illegally and against the will of the parties, extort money or property of any description, as fees or duties, or on any pretence whatever ; or shall, without authority, exact from Villagers or others, carriage, portage, or provisions ; — or

ARTICLE 33.

Who shall wantonly and intentionally defile any place dedicated to Religious Worship, or shall wantonly and intentionally insult the Religious prejudices of other persons ;

Shall, if an Officer, on conviction, be sentenced to be dismissed the Service, or to be suspended from Rank and Pay and Allowances ;

And, if a Soldier, shall, on conviction before a General, District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by any Court Martial with Dismissal, Reduction, Imprisonment with or without hard labor, and with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

ARTICLE 34.

Any Officer or Soldier, who, being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by competent authority ; — or

ARTICLE 35.

Who shall malingering, feign or intentionally produce disease or infirmity ; or intentionally delay his cure ; or intentionally aggravate his disease or infirmity ; — or

ARTICLE 36.

Who shall, without orders, commit any waste, or spoil, or plunder, or shall injure or destroy any property ; — or

ARTICLE 37.

ACT No. XIX. of 1847.

ARTICLE 37.

Any Soldier who shall, contrary to orders, when off duty, appear in or about Camp or Cantonments, or on occasion of visiting Towns or Bazars, carrying a Sword, Bludgeon, or other Weapon ;—— or

ARTICLE 38.

Who shall sell, pawn, or designedly or through neglect, lose or injure his Horse, Arms, Clothes, Accoutrements or Regimental Necessaries; or any of the above Articles entrusted or belonging to any other Soldier ;

Shall, on conviction before a General, District or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as such Courts ~~Martial~~ respectively are by these Articles of War empowered to award.

Provided that such Offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Embezzlement, punishable by General Court Martial with Dismissal, Fine, and Imprisonment with or without hard labor, and with or without Solitary Confinement, of Officers and Soldiers.

ARTICLE 39.

Any Officer, or Soldier, who shall embezzle or fraudulently misapply any money entrusted to him on the Public account, or for any Military purpose ; or any Provisions, Forage, Arms, Clothing, Ammunition, or Military Stores, of whatever kind or description, the property of Government, entrusted to his charge ; or who shall wilfully spoil such property, or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication ;

Shall, on conviction before a General Court Martial, be dismissed the Service, and fined to the extent of his arrears of Pay and Allowances ; and be further liable to suffer Imprisonment with or without hard labour for a term which may extend to three years, and with or without Solitary Confinement (to be regulated as aforesaid.)

Disgraceful Conduct, punishable by General or District Court Martial, with Corporal Punishment, or Imprisonment with or without hard labor and Solitary Confinement, and in addition with forfeiture of additional Pay and of Pension or Discharge, and Stoppages, of Non-Commissioned Officers and Soldiers.

ARTICLE 40.

Any Soldier who shall be guilty of *disgraceful conduct* ;

In wilfully maiming or injuring himself, or any other Soldier at the instance of such Soldier, with intent to render himself or such Soldier unfit for the Service, or with intent to take his own life ; —— or

ARTICLE 41.

In purloining or selling Government Stores ; —— or

ARTICLE 42.

ACT No. XIX. OF 1847.

ARTICLE 42.

In stealing Money or Goods, the property of a Soldier, or of a Military Officer, or of any Military Mess, or of any person or persons belonging to or serving with or attached to the Army ; — or

ARTICLE 43.

In plundering or injuring property placed under his charge as Sentry, or in charge of his Guard, or in conniving at the plunder or injury of such property ; — or

ARTICLE 44.

In embezzling or fraudulently misapplying Public Money entrusted to him for any Military purpose ; — or

ARTICLE 45.

In committing any petty offence of a fraudulent or dishonest nature, to the injury of or with intent to injure the Government, or any person, Civil or Military ; — or

ARTICLE 46.

Who shall be guilty of any other *disgraceful conduct*, being of a cruel, indecent, or natural kind ;

Shall, on conviction before a General, or District, or Garrison Court Martial, be liable to suffer such punishments as any such Courts are by these Articles of War respectively empowered to award for *disgraceful conduct*.

And every such Offender shall, if not dismissed the Service, further be put under stoppages, by sentence of the Court, not exceeding half of his Monthly Pay and Allowances ; until the amount be made good of any loss or damage arising out of his misconduct.

And if such Offender shall be dismissed the Service, he shall further be sentenced to forfeit his arrears of Pay and Allowances due at time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes punishable by General Court Martial with Suspension or Reprimand of Officers, or by any Court Martial with Dismissal, Reduction, or Simple Imprisonment with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

ARTICLE 47.

Any Officer, or Non-Commissioned Officer who shall strike or otherwise ill-treat any Soldier ; — or

ARTICLE 48.

Any Sentry who, in time of peace shall sleep upon his Post ; or shall leave it before regularly relieved or without leave ; — or

ARTICLE 49.

Any Officer, or Soldier, who shall knowingly enlist a Deserter, or connive at his enlistment ; — or

ARTICLE 50.

ACT No. XIX. OF 1847.

ARTICLE 50.

Who, directly or indirectly, shall require or accept a bribe, present, or gratification, on the pretence of, or as a consideration for procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier ; — or

ARTICLE 51.

Who, being in Command at any Post, or on the march, on complaint made to him of any person under his Command beating or otherwise ill-treating any person ; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot ; shall not see reparation done to the party or parties injured ; or, if that be impracticable, shall not report the same to his Superior Officer ; — or

ARTICLE 52.

Who, being in Command of a Guard, shall refuse to receive any Prisoner duly committed to his charge ; or shall, without proper authority, release any Prisoner, or shall suffer, through carelessness or neglect, any Prisoner to escape ; — or

ARTICLE 53.

Who shall quit his Guard, or Picquet, in time of peace, without being regularly relieved, or without leave ; — or

ARTICLE 54.

Who shall impede the Provost Marshal, or his Assistants, or any other Officer or person legally exercising authority ; or refuse to assist him when requiring his aid in the execution of his duty ; — or

ARTICLE 55.

Who, being on leave of absence, shall have received information from the Head Quarters of his Regiment, or from other competent authority, that his Regiment has been ordered on service, and shall not rejoin without delay ; — or

ARTICLE 56.

Who, in time of peace, shall by discharging fire-arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in Camp, Garrison, Cantonment ; — or

ARTICLE 57.

Who shall fail to repair at the time fixed to the parade, or place appointed for exercise or duty, if not prevented by sickness or some other sufficient cause ; — or

ARTICLE 58.

Who shall, without urgent necessity, or without leave of his Superior Officer, quit his Company, or Troop, or the Parade ; — or

ARTICLE 59.

Who shall absent himself without leave ; or shall, without sufficient cause, overstay the period for which leave may have been granted him ; — or

ARTICLE 60.

ACT No. XIX. of 1847.

ARTICLE 60.

Any Soldier who shall be found two miles from the Camp contrary to orders;
— or

ARTICLE 61.

Who shall, contrary to orders, be absent from his Cantonment after tatoo; or from Camp after retreat beating; — or

ARTICLE 62.

Who shall sell, lose, designedly, or through neglect, waste the Ammunition delivered out to him;

Shall, if an Officer, on conviction, be sentenced to suspension from Rank and Pay and Allowances; or to be reprimanded in such manner as the Commander-in-Chief may direct;

And, if a Soldier, shall, on conviction before a General, or District, or Garrison, or Regimental Court Martial; be sentenced to suffer such punishment as any such Courts Martial are by these Articles of War respectively empowered to award;

Provided that such Offender shall not be liable to be sentenced to suffer Corporal Punishment, or Imprisonment with hard labor.

ARTICLE 63.

All crimes not capital, and all disorders or neglects which Officers or Soldiers may be guilty of, to the prejudice of good order and Military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the Sentence of a General, or District, or Garrison, or Regimental Court Martial; provided that a Soldier shall not for any such offences be liable to be sentenced to suffer Corporal Punishment, or Imprisonment with hard labor.

Crimes incident to Courts Martial punishable by General Court Martial with Dismissal or Suspension of Officers, and by any Court Martial with Dismissal or Reduction of Non-Commissioned Officers, and with Dismissal or Simple Imprisonment of Soldiers.

ARTICLE 64.

Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or who shall induce any other person so to offend;

Shall be punished, according to the Sentence of the same or another Court Martial, with Dismissal, or suspension from Rank and Pay and Allowances, if a Commissioned Officer; with Dismissal, or reduction to the ranks if a Non-Commissioned Officer; or with Dismissal, or Imprisonment, if a Soldier;

Provided that such person, being a Commissioned Officer, shall not be liable to be punished by any but a General Court Martial; and that no Offender punished under the provision of this Article of War shall be sentenced to suffer Imprisonment with hard labor, or Corporal Punishment.

ARTICLE 65.

ACT No. XIX. OF 1847.

ARTICLE 65.

Any person not amenable to these Articles of War, who, having been summoned before any Court Martial, shall refuse or neglect to attend; or who, attending, shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or shall give such testimony, as, if given in a Criminal Court, would render him guilty of perjury; or who shall induce any other person so to offend;

Shall be delivered to a Magistrate to be proceeded against according to Law.

ARTICLE 66.

Any person using menacing or disrespectful words, signs, or gestures, in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings;

Shall be punished according to the condition of the Offender and the nature and degree of his offence, by the Sentence of the same or another Court Martial, if he be amenable to these Articles of War; provided that such Offender shall not be liable to be sentenced to Corporal Punishment or to Imprisonment with hard labor; and if not amenable to these Articles of War, the Offender shall be delivered over to a Magistrate to be proceeded against according to Law.

Perjury, punishable by General or District Court Martial with Dismissal, and in addition with Fine, or Simple Imprisonment, of Officers and Soldiers.

ARTICLE 67.

Any Officer, or Soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General, or other Court Martial, or any Military Court entitled to administer an oath; or of inducing any other person so to offend;

Shall be dismissed the Service, and shall be further subject to Fine to the amount of his arrears of Pay and Allowances, or to Imprisonment which may extend to three years;—according to the Sentence of a General, or District, or Garrison Court Martial.

Crimes admitting of less serious notice.

ARTICLE 68.

Whereas it may be advisable that some of the offences which by the foregoing Articles are directed to be tried by a General, or District, or Garrison Court Martial, should, in certain cases which admit of less serious notice, be tried by District, or Garrison, or Regimental Courts Martial—in such cases the Officer Commanding the Regiment or Corps to which the Offender belongs may, if he thinks it expedient, and for the good of the Service, order the Offender to be tried by Regimental Court Martial, for any offence ordinarily cognizable by District, or Garrison Court Martial; making, however, a Report in every such case, for the information of the General Officer Commanding the Division, of the reasons of his having so proceeded; or such Commanding Officer may lay a particular statement of the case before the General or other Officer having authority

ACT No. XIX. OF 1847.

rity to convene General, or District, or Garrison Courts Martial, under whose Command such Offender may be serving, with an application for permission to try the Offender by District, or Garrison, or Regimental Courts Martial; and such General or other Officer will exercise his discretion in complying or not with such application; but the permission of such General or other Officer so to proceed, shall be entered upon the proceedings at the trial of such Offender.

Provided that MUTINY shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated "*Disgraceful Conduct*" in these Articles of War, and admitting of less serious notice, shall be tried by Regimental Courts Martial, the term "*Disgraceful Conduct*" shall be omitted in the Charge; and the Offender shall on conviction be liable to suffer such punishment as a Regimental Court Martial is by these Articles of War empowered to award.

Offences on the Line of March or on board Vessels.

ARTICLE 69.

For offences committed on the Line of March, or on board any Ship or other Vessel, the Officer in Command of the Troop is hereby authorized to try any Soldier by a Regimental, or Detachment Court Martial, and to confirm and execute the Sentence on the spot;

Provided that such Sentence shall in no case exceed that which a Regimental Court Martial is competent to award;—and that the proceedings held in all such cases shall be transmitted for the information of the Commander-in-Chief.

SECTION III.

Administration of Justice.

ARTICLE 70.

Whenever any Officer or Soldier shall commit a crime deserving punishment by Court Martial, he shall, by his Commanding Officer, be put under arrest, if an Officer or Non-Commissioned Officer; or if a Soldier, be confined; until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority; and no Officer or Soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement, or an attempt to effect such process, shall in no case be omitted where it may be practicable;—but where resistance may be made, or from other circumstances such process may be impracticable, the Offender or Offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

ARTICLE 71.

No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed *more than three years* previous to the

ACT No. XIX. OF 1847.

the order directing the assembly of the Court Martial whereby he is to be tried unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried, at any time not exceeding *two years* after the impediment shall have ceased.

ARTICLE 72.

Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place within the British Territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ARTICLE 73.

The Commander-in-Chief at the Presidencies of Fort William, Fort Saint George, and Bombay respectively for the time being, may appoint General or other Courts Martial, and confirm, and mitigate or commute, or remit the Sentences of such Courts; and may issue his Warrant to any General or other Officer having the Command of a Body of Troops in the service of Her Majesty, or of the East India Company, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of offences committed by any of the Officers, or Soldiers, or Followers in the service of the said Company, being Natives of the East Indies, or of other places within the limits of the said Company's Charter, and to confirm, and mitigate or commute, or remit the sentences of such Courts Martial.

ARTICLE 74.

A General Court Martial shall not consist of less than *thirteen* Commissioned Officers, unless it be held out of the East India Company's Territories, where such Court Martial may consist of *seven* Commissioned Officers, if a greater number cannot be conveniently assembled. And no sentence of a General Court Martial shall be put in execution until after a Report shall have been made of the whole proceedings to the Commander-in-Chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

Powers of a General Court Martial.

* ARTICLE 75.

A General Court Martial may sentence any Officer or Soldier to Death or Transportation, for any crimes which are by these Articles of War expressly made liable to sentence of Death or Transportation, and for such crimes only.

And when a Commissioned Officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such Officer to be dismissed the Service;—or to be suspended from Rank and Pay and Allowances, for a stated period;—or to be placed lower on the list of his Rank, by an alteration of the date of his Commission, thereby losing the corresponding benefit of length of Service; and the Court shall in every such Sentence specify the extent or degree of Suspension or Reduction, which they shall so adjudge;—or the Court may sentence such Officer to be reprimanded in such manner as the Commander-in-Chief may direct.

And

ACT No. XIX. OF 1847.

And a General Court Martial may sentence any Non-Commissioned Officer to be reduced to the Ranks ;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed the Service ;—or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of Service or other advantage, except that of Standing,) or may sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes* ;—or Imprisonment with or without hard labor not exceeding *two years* ;—and to be kept in Solitary Confinement for any portion or portions of such Imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of Solitary Confinement, of not less duration than such periods of Solitary Confinement. Provided that no Soldier shall be kept in Solitary Confinement more than eighty-four days in any one year, whether by the Sentence of one or more Courts Martial, or by order of his Commanding Officer.

And a General Court Martial may, in addition either to Corporal Punishment, or to Imprisonment, as aforesaid, sentence a Soldier to forfeiture of all advantage as to additional Pay and to Pension on discharge, which might have otherwise accrued from the length or nature of his former Service ; or to forfeiture of such advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the nature of the case, for *disgraceful conduct*.

And a General Court Martial may, in addition to the punishment of Dismissal, sentence any Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct :—And, in addition to any punishment not involving Dismissal from the Service, may sentence any Officer or Soldier to be put under Stoppages not exceeding two-thirds of his Pay and Allowances in the case of an Officer, and not exceeding half of his Pay and Allowances in the case of a Non-Commissioned Officer or Soldier, until the amount of such loss or damage be made good.

Confirmation and Commutation of Sentence by the Commander-in-Chief.

ARTICLE 76.

In cases wherein a Sentence of *Death* shall have been awarded by a General Court Martial, for any offence against discipline for which Sentence of Death is awardable under these Articles of War, the Commander-in-Chief may confirm such Sentence and cause it to be carried into effect, or may, instead of causing such Sentence to be carried into effect, order the Offender, if an Officer, to be transported for life, or to be imprisoned for any term of years, or to be dismissed ; and if a Soldier, to be transported for life, or to be imprisoned with or without hard labor either for life, or for a certain term of years, and with or without solitary confinement, (to be regulated as aforesaid,) as to the Commander-in-Chief may seem meet.

In cases of Commissioned Officers sentenced to *Transportation*, the Commander-in-Chief may in lieu thereof order the Offender to be imprisoned for any term of years, or to be dismissed. And in cases of Commissioned Officers sentenced to be *dismissed* from the Service, the Commander-in-Chief may, in lieu of such punishment, direct, that the Offender be suspended from Rank and Pay and Allowances for a certain period, to be distinctly specified by the Commander-in-Chief.

ACT No. XIX. OF 1847.

And the Commander-in-Chief may commute a Sentence of *Transportation* passed on a Soldier, to Imprisonment with or without hard labor, and with or without Solitary Confinement (to be regulated as aforesaid); and such Imprisonment may be either for the same period for which Transportation shall have been awarded, or for any lesser period.

And the Commander-in-Chief may commute a Sentence of *Corporal Punishment* to Dismissal from the Service; or, in the case of a Non-Commissioned Officer may mitigate such Sentence to reduction to the Ranks; or in the case of a Non-Commissioned Officer or Soldier may commute such Sentence to Imprisonment without hard labor, and with or without Solitary Confinement (to be regulated as aforesaid,) for any period not exceeding *two years*.

In cases of Non-Commissioned Officers sentenced to be *dismissed* from the Service, the Commander-in-Chief may, in lieu of such punishment, direct that the Offender be reduced to the Ranks, or placed lower in the list of the rank which he holds; (which shall not involve any forfeiture of Service or other advantage, except that of Standing.)

And in cases of Offenders sentenced to *Imprisonment with hard labor*, the Commander-in-Chief may mitigate such Sentence by causing the Offender to be reduced to the Ranks, in the case of a Non-Commissioned Officer; or in the case of a Non-Commissioned Officer or Soldier by directing that he be dismissed from the Service, or suffer Imprisonment without hard labor, and with or without Solitary Confinement, (to be regulated as aforesaid,) for any period not exceeding that for which he shall have been sentenced to such Imprisonment with hard labor.

ARTICLE 77.

A District, or Garrison Court Martial shall consist of not less than *seven* Commissioned Officers, except in situations where that number cannot be conveniently assembled, when such Court may consist of not less than *Five* Commissioned Officers. And such District, or Garrison Court Martial may be composed of Officers of the same Regiment, and shall be assembled in conformity with the orders of the Commander-in-Chief.

And the Sentence of a District, or Garrison Court Martial shall be confirmed by the Commander-in-Chief, or by some Officer duly authorized to confirm the same.

Commutation of Sentence

And the Commander-in-Chief is empowered to remit, or mitigate, or commute the Sentences of such Courts Martial, in the same manner as the Sentences of General Courts Martial; and to delegate to or withhold from Commanding Officers the power of convening such Courts Martial, and of confirming, remitting, mitigating, or commuting the Sentences of such Courts (*not including forfeiture of Pay or Pension or other advantage*), as the Commander-in-Chief may deem to be most expedient.

And in case of any Sentence, including forfeiture of additional Pay or of Pension on Discharge, or of any prospective advantage, such Sentence shall not be carried into effect until confirmed by the Commander-in-Chief; and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of

ACT No. XIX. OF 1847.

Powers of a District or Garrison Court Martial.

* ARTICLE 78.

A District or Garrison Court Martial may sentence any Non-Commissioned Officer to be reduced to the Ranks,—or may sentence any Non-Commissioned Officer or Soldier to be dismissed from the Service; or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of Service or other advantage, except that of Standing;) or may sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes*, or Imprisonment with or without hard labor ~~not~~ exceeding *one year*, and to be kept in Solitary Confinement (to be regulated as aforesaid).

And such Court Martial may, in addition to either Corporal Punishment or to Imprisonment as aforesaid, sentence a Soldier to forfeiture of all advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the length or nature of his former Service, or to forfeiture of such advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the nature of the case, for *disgraceful conduct*.

And such Court Martial may, in addition to the punishment of Dismissal, sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his Discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the Service, may sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 79.

A Regimental Court Martial shall consist of not less than *Five* Commissioned Officers, (unless it be found impracticable to assemble that number, when *Three* may be sufficient;) and shall be assembled by order of the Officer Commanding the Regiment. And no Sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Provided that such Commanding Officer shall have power to remit all Sentences whatever passed by such Court, and thereupon to cause the Offender to be released and to return to his duty.

Commutation of Sentence

And such Commanding Officer shall have power to confirm and carry into effect or to mitigate all Sentences whatever passed by such Court; and to commute a Sentence of *Corporal Punishment* to Imprisonment without hard labor and with or without Solitary Confinement, (to be regulated as aforesaid,) for any period for which such Court is competent to sentence an Offender to suffer Imprisonment and in the same manner; and to mitigate a Sentence of *Dismissal* in the case of a Non-Commissioned Officer, to reduction to the Ranks;—and to commute a Sentence of *Imprisonment with hard labor*, to Dismissal; or to mitigate such Sentence to reduction to the Ranks; or to Imprisonment without hard labor.

Powers of

ACT No. XIX. OF 1847.

Powers of a Regimental Court Martial.

* ARTICLE 80.

A Regimental Court Martial may sentence any Non-Commissioned Officer to be reduced to the Ranks ;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed from the Service ;—or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of Service or other advantage, except that of Standing,)—or may sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes* : or Imprisonment, with or without hard labor, for any period not exceeding *six calendar months* ; and to be kept in Solitary Confinement (to be regulated as aforesaid).

Any such Court Martial may, in addition to the punishment of Dismissal, sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct ; and in addition to any punishment not involving Dismissal from the Service, may sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 81.

An Officer Commanding any Detachment of his own Regiment, may assemble Regimental Detachment Courts Martial ;—and an Officer Commanding a Detachment consisting of men of different Corps, may assemble Detachment or Line Courts Martial ;—and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in Regiments, shall be taken to apply to Courts Martial held in Detachments, in all practicable cases.

Provided that no Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, and not being on the line of march or on board any Ship or other Vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the Offender belongs, or by the nearest Superior Officer holding a Command of not less than a Regiment ;—who is hereby authorized to confirm the same, in like manner, as an Officer Commanding a Regiment is empowered to do—except in detached situations beyond Sea or out of the British Territories, or when on Service in the Field, or in cases where an *immediate example* is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the Service, when the Officer Commanding such Detachment may exercise the powers which are vested in an Officer Commanding a Regiment.

ARTICLE 82.

At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the Prisoner be found guilty, and Imprisonment form a part of the Sentence, no portion of the Imprisonment should be solitary ; or should Corporal Punishment be awardable to the offender, that it shall not be awarded in the particular case ; and the Court will govern itself accordingly ; and such instruction shall be in writing, and shall be attached to the proceedings of the Court.

Execution of

ACT No. XIX. OF 1847.

Execution of Sentences of Courts Martial.

ARTICLE 83.

In every Sentence of Death awarded by a General Court Martial, the Court shall specify that the Offender shall "suffer death by being hanged by the neck until he be dead," or "by being shot to death," as the Court in their discretion shall deem expedient; and such Sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 84.

Whenever the Sentence of a General Court Martial shall adjudge Transportation, or Sentence of Death shall be commuted by competent authority to Transportation, any of the Sudder Courts shall give effect to such Sentence, or commuted Sentence, on the same being certified to the Court under the authority of the Commander-in-Chief.

And, whenever any Sentence of a Court Martial shall adjudge Imprisonment with hard labor, or with Solitary Confinement, or both, or whenever the Sentence of a Court Martial shall be commuted to any such Imprisonment, it shall be the duty of every Judge, Magistrate, Sheriff, or other Officer in charge of a Jail, to give effect to such Sentence, on the Offender being delivered into his custody, and on being furnished with a copy of the Sentence by the Officer Commanding the Station or Regiment or Detachment, within which the trial is held.

ARTICLE 85.

Whenever any Soldier shall be sentenced to Imprisonment for life, or a Sentence of Death shall be commuted to Imprisonment for life, it shall be lawful for the Commander-in-Chief to order such Offender to be transported beyond Sea for life, and such order shall thereupon be made, unless there should be special reasons inducing the Commander-in-Chief to think such Prisoner not a proper subject for Transportation.

ARTICLE 86.

Persons sentenced to Imprisonment by Courts Martial shall be imprisoned in any public prison, or in any other fit place which the Commander-in-Chief shall from time to time direct.

ARTICLE 87.

Every Soldier sentenced to Imprisonment with hard labor, shall, previous to undergoing such punishment, be struck off the strength of his Corps from the date of confirmation of such Sentence; and no Soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving Pension or Discharge.

ARTICLE 88.

Offenders sentenced to Dismissal for *disgraceful conduct*;

And Offenders subject to Corporal Punishment, or to Imprisonment with hard labor for *disgraceful conduct* shall, on any such Sentence being confirmed, be dismissed with ignominy.

ARTICLE 89.

ACT No. XIX. OF 1847.

ARTICLE 89.

In every case wherein a fine, or forfeiture of arrears of Pay, or Stoppages shall be adjudged by a Court Martial, any Pay or public money due to the Offender, or that may become due to him, shall be available, with the sanction of the Commander-in-Chief, for the payment of the amount so adjudged.

And no Soldier sentenced to pay a fine or to Stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or Stoppages under any one such Sentence for any period exceeding one year ; and no Soldier shall be at any one time placed under forfeiture or Stoppages exceeding in the whole the amount of half of his Pay and Allowances, nor be liable to be put under Stoppages prospectively while actually under Stoppages to the amount of half of his Pay and Allowances.

Forms of Proceeding.

ARTICLE 90.

Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

ARTICLE 91.

At General Courts Martial a Judge Advocate, or an European Officer of not less than ten years Service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, an European Officer of not less than four years standing in the Service, except in cases where no Officer of that standing may be available, the Adjutant of the Regiment, shall be appointed to conduct the proceedings.

ARTICLE 92.

An Interpreter shall be appointed to all Courts Martial ; and any Interpreter or other competent person available at the Station where the Court Martial may sit, shall be appointed as occasion may require by the Officer Commanding at such Station, on application from the Judge Advocate or Superintending Officer at such Court Martial. But in situations where the services of an Interpreter or other competent person are not available, the Superintending Officer at the Court Martial shall perform the duty of Interpreter.

ARTICLE 93.

At all Courts Martial the Senior Officer shall sit as President without being so appointed by Warrant. Provided that all Subadar Majors are to take precedence according to the dates of their Commissions, and above all Native Officers holding the rank of Subadar or Jemadar ; and that Sirdar Bahadoors and Bahadoors, shall rank only according to their respective Commissions of Subadar Major, Subadar, or Jemadar. Rissaldars and Rissaidars will take rank with Subadars, and Naib Rissaldars with Jemadars, according to the dates of their respective Commissions,

In

ACT No. XIX. OF 1847.

In case of the death or unavoidable absence of the President, the next Senior Member shall take the place of President, and the trial shall proceed, provided that the Court shall still consist of at least the number of Members of which such Court is directed to consist by these Articles of War.

ARTICLE 94.

No Finding or Sentence of a Court Martial shall be revised more than once, and no Evidence shall be received on such revision. For the purpose of such revision, the President and all the Members shall be convened if possible. But if any of them should be unavoidably absent, the remaining Members may proceed with such revision provided they are not fewer than the smallest number directed in these Articles respectively. When all the same Members do not meet, the circumstances are to be duly certified on the face of the proceedings.

Manner of Voting.

ARTICLE 95.

All the Members of a Court Martial are to preserve order, and in giving their votes upon all matters are to begin with the youngest : and in all cases where a Sentence of Death may not be awarded, the decision shall be by the majority of Members present, provided the number of Members present be not less than that required by the preceding Articles : but in case of an equality of votes, the decision shall be in favor of the Prisoner ; the President at a Court Martial shall vote with the other Members, but shall have no casting vote. Provided, that in cases of an equality of votes upon other questions than the Finding and the Sentence, the President shall have a casting vote.

ARTICLE 96.

No Sentence of Death shall be given against any Offender by a Court Martial, unless two-thirds of the Members present concur therein, or four where the Court consist of five Members, or five where the Court consist of seven.

Affirmations.

ARTICLE 97.

On the assembly of a Court Martial, the Judge Advocate or Superintending European Officer shall administer to the Interpreter the following Solemn Affirmation :—

“ I, A. B., solemnly affirm in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of the Court, and that I will not divulge the sentence until it shall have been published by authority ; and further, that I will not disclose or discover the vote or opinion of any particular Member of the Court unless required to give evidence thereof by a Court of Justice or Court Martial, in due course of Law.”

In case of the unavoidable absence of an Interpreter, the European Superintending Officer of a Court Martial inferior to General, shall make the Solemn Affirmation prescribed for the Interpreter

The

ACT No. XIX. OF 1847.

The Judge Advocate or Superintending Officer shall then cause the following Solemn Affirmation to be made by each Member :

“I, A. B., solemnly affirm in the presence of Almighty God, that I will duly “administer justice according to the Articles of War, without partiality, favor, or “affection, and, if any doubt shall arise, then, according to my conscience, the best of “my understanding, and the custom of War in the like cases, and that I will not “divulge the Sentence of the Court until it shall be published by authority; and “further, that I will not disclose or discover the vote or opinion of any particular “Member of the Court, unless required to give evidence thereof by a Court of Jus- “tice or a Court Martial in due course of Law.

The following Solemn Affirmation shall then be administered by the Interpreter to the Judge Advocate or Superintending Officer :

“I, A. B., solemnly affirm in the presence of Almighty God, that I will not “upon any account whatsoever, disclose or discover the vote or opinion of any par- “ticular Member of the Court Martial, unless required to give evidence thereof “as a witness by a Court of Justice, or a Court Martial in due course of law, and “that I will not, unless it be necessary for the due discharge of my official duties, “disclose the Sentence of the Court, until it shall be published by authority.”

Provided, that it shall be necessary to re-administer these Solemn Affirmations on the commencement of fresh trials before the same Court.

* ARTICLE 98.

All persons who give evidence at a Court Martial are to be examined on Oath according to the forms of their respective religions or on Affirmation—and persons of the Hindoo or Mahomedan persuasion and other persons making Affirmation, shall make Affirmation to the following effect :

“I solemnly affirm, in the presence of Almighty God, that what I shall state “shall be the truth, the whole truth, and nothing but the truth.”

And if any person making such Affirmation as aforesaid, shall wilfully and falsely state any matter or thing which, if the same had been sworn, would have amounted to perjury, every such Offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amenable to these Articles.

ARTICLE 99.

In all cases where persons required as witnesses before a Court Martial, may not be amenable to Military Law, the Judge Advocate or Commanding Officer shall transmit to the Magistrate within whose jurisdiction the witness may reside, his summons for the attendance of such person, and the Magistrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshals.

ARTICLE 100.

For the prompt and instant repression of all irregularities and crimes which may be committed by Troops in the Field and on the Line of March, Provost
Marshals

ACT No. XIX. OF 1847.

Marshals shall be appointed by the Commander-in-Chief, and their Powers shall be regulated according to the established Usages of War and Rules of the Service; their duties are to take charge of Prisoners confined for offences of a general description; to preserve good Order and Discipline; to prevent Breaches of both by Soldiers and Followers of the Army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing Breaches of good Order and Military Discipline; Provided, that the punishment be limited to the necessity of the case, and shall accord with the orders which the Provost Marshals may from time to time receive from the Commander of the Forces in the Field, and that whatever may be the crime, the Provost Marshal or his Assistant shall see the Offender commit the act, for which summary punishment may be inflicted, or if the Provost Marshal or his Assistant should not see the Offender actually commit the crime, but that sufficient proof can be established of the Offender's guilt, a Report shall be made to the Commander of the Army in the Field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good Order and Military Discipline. The duties of Provost Marshals being limited to the punishment of Offenders whom they may detect in the actual commission of any crime, the General Commanding the Forces in the Field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the Discipline of the East India Company's Army and the Public Service.

Trials by European Courts Martial.

ARTICLE 101.

At any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right to claim to be tried by European Officers; and should he make such claim, the Court, whether General, District, or Garrison, or Regimental, shall be composed of European Commissioned Officers and the number of Members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor-General of India in Council by a General Order to authorize the Native Troops of any of the Presidencies to claim to be tried in like manner by European Courts Martial.

SECTION IV.

Effects of the Dead.

* ARTICLE 102.

When any Officer or Soldier, or any person receiving public pay drawn by any Officer in charge of a Public Department belonging to the Army, may die, or be killed in the Service, the Commanding Officer of the Regiment or party, or Officer in charge of the Department, shall, if no Heir or Executor be present, secure his Effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the Office of the Adjutant, or Officer in charge of the Department.

ARTICLE 103.

ACT No. XIX. OF 1847.

* ARTICLE 103.

If there be no Heir or Executor on the spot, the Effects are to be publicly sold, the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, after discharging the debts of the deceased, viz., the expense of Funeral Ceremonies, his Debts in Camp or Quarters, and Regimental Debts of every description, shall account for the residue to the Heir or Heirs declared by Will, whether written or verbal, or nominated in the Regimental Register, or in failure of such, to the legal representative of the deceased; and in the event of no Executor, Heir, or other representative of the deceased attending and establishing his claim within twelve months from the date of the casualty, the amount in the hands of the Officer having charge of the Estate, is to be remitted to the General Treasury at the Presidency.

SECTION V.

Miscellaneous.

ARTICLE 104.

The effects of Deserters are to be publicly sold, and the proceeds after payment of Regimental Debts, remitted by the Officer Commanding the Corps to which the Deserter belongs, to the General Treasury at the Presidency, or appropriated according to the rules obtaining at such Presidency.

ARTICLE 105.

• All powers and provisions contained in these Articles relating to the Commander-in-Chief, shall be construed to extend to the Commander-in-Chief at any Presidency, and to the Officer Commanding the Forces for the time being at any Presidency, unless when otherwise provided.

All powers and provisions contained in these Articles relating to Soldiers, shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

ARTICLE 106.

When any portion of the Troops belonging to one Presidency shall be serving within the limits of another Presidency, such Troops shall be considered as placed, during such Service, under the orders and authority of the Commander-in-Chief, or Commanding Officer of the Forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of Offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of Offenders amenable to these Articles of War serving within such Presidency. Provided always, that it shall be lawful for the Governor General in Council in his executive capacity, to direct that the Troops, or any part thereof of any Presidency, whilst serving without the limits of such Presidency, shall continue under the orders and authority of the Commander-in-Chief, or Commanding Officer of the Forces of the Presidency to which they belong for all purposes of these Articles.

ARTICLE 107.

ACT No. XIX. OF 1847.

ARTICLE 107.

Any Officer Commanding any portion of the East India Company's Troops which may at any time be serving in any place out of Her Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or of the Territories of those States in alliance with the said Company in which the said Company's Forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's Army, being under the immediate Command of any such Officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three Officers, for the purpose of trying any such person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts Martial; and every such Court Martial shall have the same powers in regard to summoning and examining witnesses, trial of, and sentence upon any such Offenders as are granted by these Articles to General Courts Martial; provided that no Sentence of any such Court Martial shall be executed until the General Commanding-in-Chief the Army to which the Division, Brigade, Detachment, or Party to which any person so tried, convicted and adjudged to suffer punishment shall belong, shall have approved and confirmed the same; except where such Sentence shall not exceed the powers granted by these Articles to a District or Garrison Court Martial, in which case the Officer by whom the Court is convened is hereby authorized to confirm or commute, or mitigate, or remit the same; reporting the proceedings to the said General Commanding-in-Chief.

ARTICLE 108.

General Courts Martial only shall have the power to try Commissioned Officers; or to pass Sentence of Death or Transportation on any Offenders.

ARTICLE 109.

No person, being acquitted or convicted before a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided always, that after a Soldier shall have been found guilty by a Court Martial of any military offence, such Court Martial shall inquire into and receive evidence of any previous conviction of such Soldier before a Court Martial or a Court of Justice, and shall enquire into the *general* character of such Soldier; for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided that no such evidence shall in any case be received until the Court shall have ascertained that such Soldier had previously to his trial received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all Soldiers previous to trial.

* ARTICLE 110.

No Non-Commissioned Officer shall be reduced to the Ranks but by the Sentence of a Court Martial, or by order of the Commander-in-Chief of the Presidency to which the Offender shall belong. Provided that no Non-Commissioned Officer shall be reduced to the Ranks for any limited period; nor suspended from his Rank; nor reduced from a higher to a lower grade of Non-Commissioned Officer; nor sentenced to suffer Corporal Punishment or Imprisonment, without being first reduced to the Ranks.

ARTICLE 111

ACT No. XIX. OF 1847.

* ARTICLE 111.

Any Officer or Soldier thinking himself wronged by his Superior or other Officer is to complain thereof to the Commanding Officer of his Troop or Company, by whom if the grievance be not redressed, such Officer, Non-Commissioned Officer, or Soldier, may complain to the Commanding Officer of his Regiment, who is hereby required to examine into such complaint, or remit it to his superior authority as the circumstances may require ; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the Sentence of a General or other Court Martial in manner hereinbefore mentioned ; provided that such Offender shall not be liable to be sentenced to Dismissal, nor to suffer Corporal Punishment or Imprisonment with hard labor.

ARTICLE 112.

In case of light offences, a Commanding Officer may, without the intervention of a Court Martial, award extra drill with or without pack of a period not exceeding fifteen days ; restriction to Barrack limits not exceeding fifteen days ; confinement in the Quarter Guard or Defaulter's Room, not exceeding seven days ; removal from Staff situations or acting appointments ; or may order Soldiers to be employed in piling and unpling shot ; and in cleaning accoutrements of men in Hospital ; but none of these descriptions of punishment shall be awardable by Sentence of a Court Martial. And a Commanding Officer may award Solitary Confinement not exceeding seven days.

Provided that Soldiers in Confinement shall be liable to be ordered to attend ordinary drill.

ARTICLE 113.

Any Officer, or Soldier, who shall be taken prisoner by the Enemy, shall forfeit all claim to Pay and Allowances during the period of his remaining a Prisoner, and until he shall again return to the Service ; when, if he can establish, before a Court Martial, that he was unavoidably taken Prisoner in the course of Service, and resisted as long as he was able, and that he hath not served with or assisted the Enemy, and that he hath returned as soon as possible to the Service, he shall be entitled to receive either the whole, or such portion of his Arrears of Pay and Allowances as the Government of the Presidency to which he may belong shall determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander-in-Chief. And every Officer or Soldier in imprisonment under the Sentence of a Court Martial, or a commuted Sentence, or under the Sentences of a Court of Criminal Judicature, shall, during the term of such imprisonment, receive subsistence only, to the amount of his Pay proper, according to the rates of Pay granted to Officers and Soldiers of the Bengal Army.

SECTION VI.

Mode of dealing with offences not Military.

ARTICLE 114.

In all places within the jurisdiction of any Civil Judicature, established by appointment of Her Majesty or of the said Company, Officers and Soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such Civil Judicature, shall be delivered over to a Magistrate to be proceeded against according to law.

And

ACT No. XIX. OF 1847.

And all Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending and securing any person so accused.

Crimes to be tried by Courts Martial where no regular Criminal tribunals exist.

ARTICLE 115.

In any place within the limits of the Charter of the East India Company, whether in or out of the British Territories, where there may be no Civil Judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by Civil Tribunals, such offences when committed by Officers or Soldiers shall be cognizable by Courts Martial.

ARTICLE 116.

General Courts Martial shall have cognizance ordinarily, of offences punishable with Death ;

Transportation for Life ;

Imprisonment for Life ;

Imprisonment for a period which may extend to fourteen years ;

Imprisonment for a period which may extend to seven years.*

ARTICLE 117.

District, or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with Imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of Death or Transportation, with power to sentence persons convicted of such offences to Imprisonment for any period not exceeding three years.

ARTICLE 118.

Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable for Imprisonment for a period not exceeding six calendar months, and, by special order, of offences ordinarily cognizable by District or Garrison Courts Martial, with power to sentence persons convicted of such offences to Imprisonment for a period not exceeding six calendar months.

General Courts Martial.

Punishment of Death.

ARTICLE 119.

Any Officer or Soldier who shall be convicted by a General Court Martial of the crime of "Murder" shall be sentenced to suffer Death by being hanged by the neck until he be dead.

If

ACT No. XIX. OF 1847.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be Murder, whensoever it would have been Murder had the person against whom such injury was intended been killed.

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of Murder, if the offence would have been Murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for Life.

ARTICLE 120.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit Murder, or with wounding or other Corporal injury to any person endangering the life of such person: That is to say—

1st.—Breaking, or attempting to break, by day or night, into any dwelling-house, tent, boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal.

2nd.—Robbery or attempt to rob;

3rd.—Stealing or attempting to steal in a house, or from the person;

Shall be sentenced by such General Court Martial to Imprisonment with or without hard labor and Transportation for Life.

Offences punishable by Imprisonment which may extend to fourteen years.

ARTICLE 121.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with wounding or other Corporal injury to any person not endangering the life of such person; — or

ARTICLE 122

Of wounding, or administering poison with intent to murder, whether the person wounded or to whom poison is administered, be the person whom the offender intended to murder or another; — or

ARTICLE 123.

Of Robbery by open violence, or Dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing Robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house, or place of habitation, or any place in which property may be kept, for the purpose of robbing; — or

ARTICLE 124.

ACT. No. XIX. OF 1847.

ARTICLE 124.

Of breaking, or attempting to break, into any dwelling-house, tent, boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal ;
— or

ARTICLE 125.

Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property, the value of which shall exceed One Hundred Company's Rupees ; — or

ARTICLE 126.

Of purchasing or receiving plundered or stolen property, knowing it to have been obtained by Robbery, by open violence, or by Theft or Robbery aggravated as described in Article 120 or Article 121 ;

Shall be sentenced by such General Court Martial to Imprisonment with or without hard labor for a period not exceeding fourteen years.

Offences punishable by Imprisonment not exceeding seven years.

ARTICLE 127.

Any Officer or Soldier who shall be convicted by a General Court Martial of Culpable Homicide not amounting to Wilful Murder ; — or

ARTICLE 128.

Of premeditated affray, attended with Homicide, or severe wounding, or other aggravating circumstance ; — or

ARTICLE 129.

Of intentionally wounding, maiming, or otherwise doing Corporal injury to any person ; — or

ARTICLE 130.

Of accidentally wounding, maiming, or otherwise doing Corporal injury to any person, with the intention of doing such injury to another person ; — or

Of breaking into any dwelling-house, tent, boat, or other place of habitation or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein ; — or

ARTICLE 132.

Of stealing from any habitation, or from any person, any property exceeding Three Hundred Company's Rupees in value ; — or

ARTICLE 133.

Of having purchased any property so stolen, exceeding in value Three Hundred Company's Rupees, knowing it to have been stolen ; — or

ARTICLE 134.

ACT No. XIX. OF 1847.

ARTICLE 134.

Of Arson ; — or

ARTICLE 135.

Of an unnatural crime ; — or

ARTICLE 136.

Of Rape ; — or

ARTICLE 137.

Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose, any unmarried woman under the age of fifteen years ; — or

ARTICLE 138.

Of stealing a child under the age of eight years ; — or

Of counterfeiting, or causing or procuring the fraudulent fabrication or alteration of any written deed, or printed paper, of any description ; or any counterfeit seal or signature thereto ; or the illicit imitation of any public stamp or stamped paper, established by Government ; or of fraudulently issuing and publishing as true, or of fraudulently giving effect, or attempting to give effect, to fabricated deeds and papers, knowing them to be forgeries ; or of using, selling or disposing of such stamped paper, knowing the same to be counterfeit ; — or

ARTICLE 140.

Of forging or procuring to be forged any counterfeit Coin, in imitation of any of the Gold, Silver or Copper Coin of the British Government in India ; or of any Coin usually received as money in the British Territories ; or of clipping, filing, drilling or defacing any such Coin ; or of paying or tendering in payment counterfeit Coin, Bank Notes, or other Securities for money, knowing the same to be counterfeit, although such Notes or Securities shall be incomplete ;

Shall be sentenced by such General Courts Martial to suffer Imprisonment with or without hard labour, for any period not exceeding seven years

District or Garrison Courts Martial.

Offences punishable by Imprisonment not exceeding three years.

ARTICLE 141.

It shall be competent to the Commander-in-Chief, and to any Officer having authority to convene District or Garrison Courts Martial, to cause Offenders, not being

ACT No. XIX. OF 1847.

being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of Death, or Imprisonment or Transportation for Life is not provided therein, to be tried for such offences before a District, or Garrison Courts Martial, and such Court shall have power, on conviction, to sentence any such Offender to Imprisonment with or without hard labour for any period not exceeding three years.

ARTICLE 142.

Any Officer or Soldier who shall be convicted by a General, District, or Garrison Courts Martial, of stealing from any habitation, or from the person, any property, of value not exceeding Three Hundred Company's Rupees but exceeding Fifty Company's Rupees; — or

ARTICLE 143.

Of having purchased or received any stolen property of value not exceeding Three Hundred Company's Rupees, knowing it to have been stolen, but not under aggravating circumstances; — or

ARTICLE 144.

Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen;

Shall be sentenced by such Court to suffer Imprisonment with or without hard labour for any period not exceeding three years.

Regimental, Detachment, or Line Courts Martial.

Offences punishable by Imprisonment not exceeding six months.

ARTICLE 145.

It shall be competent to any Officer having authority to convene a Court Martial, to cause Offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which no punishment exceeding Imprisonment with hard labour for three years is therein provided, to be tried before Regimental, or Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such Offender to suffer Imprisonment with or without hard labour for any period not exceeding six calendar months.

Offences punishable by Imprisonment from six months to one year, according to the description of the Court.

ARTICLE 146.

Any Officer or Soldier who shall be convicted of stealing property to the value of Fifty Company's Rupees, or of less value; — o

ARTICLE 147.

Of Assault or Affray, unattended with Homicide, severe wounding, or aggravating circumstances;

Shall

ACT No. XIX. OF 1847.

Shall be sentenced to suffer Imprisonment with or without hard labour, for any period not exceeding one year, by the award of a General, or District, or Garrison Courts Martial; or, for any period not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Courts Martial.

Offences punishable by Imprisonment from six months to two years, according to the description of the Court.

ARTICLE 148.

Any Officer or Soldier who shall be convicted of resisting the process of a Magistrate or Police Officer ;— or

ARTICLE 149.

Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War ;

Shall be sentenced to suffer Imprisonment for any period not exceeding two years, by the award of a General Courts Martial ; not exceeding one year, by the award of a District, or Garrison Courts Martial ; and not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Courts Martial.

ARTICLE 150.

Any Officer or Soldier who shall be convicted by a General, or District, or Garrison, or Regimental Courts Martial, of having been present, aiding and abetting, or of having caused, instigated, or procured, the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such Court to the punishment therein provided for such offence, and awardable by General, or District or Garrison, or Regimental Courts Martial, respectively.

ARTICLE 151.

No sentence of Death shall be carried into effect until confirmed by the Commander-in-Chief, nor, if the trial shall have been held within the British Territories forming part of either of the Presidencies of Fort William, Fort St. George, and Bombay, respectively, until such confirmation shall have been concurred in by the Government of the Presidency where such trial shall have been held.

ARTICLE 152.

The Commander-in-Chief is authorized, at his discretion, to confirm any sentence of Death, or to remit such sentence, or to commute it into Imprisonment with hard labour and Transportation for life, or into Imprisonment with hard labour for any term of years.

ARTICLE 153.

No sentence of Transportation shall be carried into effect until confirmed by the Commander-in-Chief, and the Commander-in-Chief is authorized, at his discretion, to confirm any such sentence, or to commute it into Imprisonment with or without hard labour for any period of time.

ARTICLE 154.

ACT No. XIX. OF 1847.

ARTICLE 154.

It shall be competent to any Officer having authority to confirm the sentence of a General or other Courts Martial to remit any sentence passed by such Courts Martial, or to mitigate such sentence by substituting simple Imprisonment for Imprisonment with hard labour, or by reducing the period of Imprisonment, or by directing the discharge of the Offender in lieu of any Imprisonment.

ARTICLE 155.

A person who may have been tried for any offence by a Court Martial under the authority of these Articles of War, shall not be tried for the same in any other Court whatsoever, and no person who shall have been acquitted or convicted of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by Cashiering or Dismissal from the Service.

ARTICLE 156.

The Regulations at present in force at any Presidency, by which the office and powers of Commissariat Officers or Officers in charge of the Police, or Superintendents of Bazars, are defined and controlled; or by which Panchayets are constituted and guided; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around Cantonments; are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

SECTION VII.

Application of the Articles.

ARTICLE 157.

All Officers and Soldiers, all Drivers, Farriers, Trumpeters, and Drummers; all unattested Recruits; Hospital Attendants, Sub-Assistant Surgeons, Native Doctors, and Dressers; all Artificers and Labourers, Suttlers, Followers, public and private, or others attached to or serving with any part of the Army, are to be governed by these Articles and subject to trial by Courts Martial.

Provided that persons of European descent, (whether on the side of their father or mother) professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article, (and not being Her Majesty's natural born subjects born in Europe, or the children of such subjects,) shall be tried and punished in the same manner as persons who are subject to the Mutiny Act and Articles of War in force for the better government of the European Officers and Soldiers in the Service of the East India Company.

Promulgation of the Articles.

ARTICLE 158.

These Articles are to be translated into the several languages of the different Presidencies, and the parts following, *viz.* the second Section, together with the following Articles in other Sections which are marked with an* (Asterisk), *viz.* 2, 4, 75, 78, 80, 102, 103, 110, and 111, are to be read once every three months at the head of every Regiment, Troop or Company mustered in the Service and to every Recruit at the period of his attestation.

ACT No. XIX. OF 1847.

*Passed by the Governor General of India in Council
on the 18th of December 1847.*

*An Act to make certain Amendments in the Articles of War for the
Government of the Native Officers and Soldiers in the Military Service
of the East India Company.*

WHEREAS it is expedient to make certain Amendments in the Articles of War provided by Act XX. of 1845, for the Government of the Native Officers and Soldiers in the Military Service of the East India Company, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers:

I. It is therefore hereby enacted, that from and after the First day of March 1848, the Articles of War provided by Act XX. of 1845, are repealed.

II. And it is enacted, that the following Articles of War shall from and after the said day be the Articles of War for the Government of the said Native Officers and Soldiers in the Military Service of the said Company, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers. Provided always that all crimes and offences committed against the Articles of War provided by Act XX. of 1845 aforesaid may be inquired of and punished in like manner as if they had been committed against the Articles of War hereby provided, and that every Warrant for holding any Court Martial under the Articles of War provided by the Act XX. of 1845 aforesaid shall remain in full force notwithstanding the repeal of such Articles; and that all proceedings of any Court Martial upon any trial begun under such Articles, shall not be discontinued by the repeal of the same.

A

ARTICLES OF WAR.

ACT No. XIX. OF 1847.

ARTICLES OF WAR.

SECTION I.

Of Inlisting and Discharges.

ARTICLE 1.

Every Recruit, prior to being enrolled in his Regiment, shall have the First Four Articles of the Second Section of these Articles of War read and explained to him, and when reported fit for duty in the ranks, such Declaration as is now used, if any, in the respective Presidencies, shall be made to him by the Officer Commanding, in front of the Regiment or Corps, in presence of the Native Officers and Soldiers, and an oath or declaration shall then be required from him, according to the forms of his religion, such oath and declaration to be the like as are now used in the respective Presidencies.

ARTICLE 2.

No Commissioned Officer shall be dismissed except by the Sentence of a General Court Martial. No Non-Commissioned Officer or Soldier shall be discharged as a punishment except by the Sentence of a Court Martial, or by order of the Commander in Chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to pension. Provided also, that the Governor General in Council in his executive capacity, and the Governor in Council of any Presidency to which a Commissioned or Non-Commissioned Officer or Soldier may belong, shall have power to order his dismissal or discharge.

ARTICLE 3.

All Non-Commissioned Officers and Soldiers discharged the Service,
shall

ACT No. XIX. OF 1847.

shall be furnished by the Commanding Officer of the Regiment with a Discharge Certificate, made out in the Vernacular Language of the individual discharged, with an English Translation, expressing the authority for, and cause of, such discharge, and the period of his entire Service in the Army.

* ARTICLE 4.

No Non-Commissioned Officer or Soldier shall enlist himself in any other Regiment without a regular discharge from his former Regiment, under the penalty of being reputed a Deserter, and suffering accordingly.

SECTION II.

Crimes and Punishment.

Crimes punishable with death, transportation, corporal punishment, imprisonment or dismissal.

ARTICLE 5.

Any Officer, or Soldier, who shall begin, excite, cause, or join in any Mutiny or Sedition in the Regiment or Corps to which he belongs, or in any other Corps or Regiment whatsoever, on any pretence whatever; or who, being present at any Mutiny or Sedition, shall not use his utmost endeavours to suppress it; or who, coming to the knowledge of any Mutiny, intended Mutiny, or concealed combination against the State, shall not without delay give information thereof to his Commanding Officer; — or

ARTICLE 6.

ACT No. XIX. OF 1847.

ARTICLE 6.

Who shall strike his Superior Officer, or shall draw or offer to draw, or lift up any weapon, or use or offer any violence, against him; whether on or off duty, and under all circumstances in which his Superior Officer may be distinguishable as such in any manner; — or

ARTICLE 7.

Who shall disobey any lawful Command of his Superior Officer;—or

ARTICLE 8.

Who shall desert from the East India Company's Service, (whether or not he shall re-enter or re-enlist in the same;) — or

ARTICLE 9.

Who, being a Sentry, in time of War or alarm, shall sleep upon his post; or shall leave it before regularly relieved, or without leave; or shall plunder or injure the property placed under his charge; — or

ARTICLE 10.

Who shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard, committed to his charge, or which it was his duty to defend; or who shall use means to induce any other Officer or Soldier so to abandon or deliver up any such Garrison, Fortress, Post, or Guard; — or

ARTICLE 11.

Who shall treacherously make known the watchword to any person not entitled to receive it, according to the Rules and Discipline of War; — or

ARTICLE 12.

Who shall hold correspondence with or give intelligence to the Enemy, or any person in arms against the State, either directly or indirectly;
or

ACT No. XIX. OF 1847.

or who, coming to the knowledge of such correspondence or communication, shall not discover it immediately to the Commanding Officer ; — or

ARTICLE 13.

Who shall directly or indirectly assist or relieve the Enemy, or Persons in arms against the State, with money, victuals, or ammunition ; or shall knowingly harbour or protect any Enemy or Person in arms against the State ; — or

ARTICLE 14.

Who shall treacherously release, wilfully aid, or connive at the escape of any Enemy or Person in arms against the State, placed as a Prisoner under his charge ; — or

ARTICLE 15.

Who shall misbehave himself before the Enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave ; — or

ARTICLE 16.

Who shall in presence of an Enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition ; — or

ARTICLE 17.

Who shall leave his Commanding Officer, or his Post, or Colours, or Party, in time of action, to go in search of Plunder ; — or

ARTICLE 18.

Who, in time of War, shall do violence to any person bringing provisions or other necessaries to the Camp or Quarters of the Forces ; or shall force a Safeguard ; or break into any house, or other place for plunder ; or plunder fields, or gardens, or other property ; — or

ACT No. XIX. OF 1847.

ARTICLE 19.

Who, in time of War, shall, by discharging fire arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms. in Action. Camp, Garrison, or Quarters; — or

ARTICLE 20.

Who shall, without proper authority, release any State Prisoner, or through carelessness or neglect shall suffer any such Prisoner to escape; or shall connive at the plunder or injury of property in time of war, or the plunder or injury of Treasure, or of a Magazine or Dock Yard, by the Sentry or Guard in whose charge such property, or Treasure, or Magazine, or Dock Yard is placed; — or

ARTICLE 21.

Who, being a Sentry placed over any State Prisoner, or over Treasure, or over a Magazine or Dock Yard, shall quit his Post without being regularly relieved, or without leave; or shall sleep upon his Post; or shall plunder or injure the property placed under his charge;

Shall, if an Officer, on conviction, suffer Death, or Transportation for life, or be Dismissed the Service;

And, if a Soldier, shall, on conviction, suffer Death or Transportation for life; or Imprisonment with or without hard labour, for life or for any term of years; and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement; or shall suffer Corporal Punishment; or Dismissal from the Service; as by a General Court Martial shall be awarded. Provided that no Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his Commanding Officer.

Crimes

ACT No. XIX OF 1847.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General or District Court Martial with Dismissal, Reduction, Corporal Punishment, or simple Imprisonment with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.

ARTICLE 22.

Any Officer or Soldier who shall in operations in the field, spread reports by words or letters calculated to create unnecessary alarm in the Troops, or in the vicinity, or in rear of the Army ; — or

ARTICLE 23.

Who shall, in Action or previously to going into Action, use words tending to create Alarm or Despondency ; — or

ARTICLE 24.

Who shall be drunk when on, or for duty, or on Parade, or on the Line of March ; — or

ARTICLE 25.

Who shall strike or force any Sentry ; — or

ARTICLE 26.

Any Soldier who shall be grossly insubordinate or insolent to his Superior Officer in the execution of his office ; or grossly insubordinate and violent in the presence of a Court Martial ; — or

ARTICLE 27.

Who, being on actual Service, shall refuse to assist in making field works ;

Shall, if an Officer, on conviction, be Sentenced to be Dismissed the Service, or to be Suspended from Rank and Pay and Allowances ;

And,

ACT No. XIX OF 1847.

And, if a Soldier, shall, on conviction before a General, or District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be sentenced to Death, or Transportation, or Imprisonment with hard labour.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General, or District Court Martial, with Dismissal, Reduction, Imprisonment with or without hard labour, and with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.

ARTICLE 28.

Any Officer who shall behave in a manner unbecoming the character of an Officer ; (the fact or facts whereon the charge is grounded being clearly specified therein ;) — or

ARTICLE 29.

Any Officer or Soldier who shall advise or persuade any other Officer or Soldier to desert, or who shall connive at such desertion ; or who shall knowingly receive and entertain any Deserter, and shall not immediately on discovery give notice to his Superior Officer ; or shall not cause such Deserter to be apprehended by the Civil Power ; — or

ARTICLE 30.

Who shall obtain or attempt to obtain for himself, or for any Officer or Soldier, or for any other person whatsoever, any Pension or Allowance, by any false Statement, Certificate, or Document, or by the omission of the true Statement, or Certificate, or Document ; — or

ARTICLE 31.

Who shall knowingly make a false Return or Report, to any his
Superior

ACT No. XIX. OF 1847.

Superior Officer authorized to call for a Return or Report, of the state of the men under his Command, or of Arms, Ammunition, Clothing, or other Stores thereunto belonging, or of which he may have charge ; — or

ARTICLE 32.

Who, at any post, or on the march, shall illegally and against the will of the parties extort money or property of any description, as fees or duties, or on any pretence whatever ; or shall, without authority, exact from Villagers or others, carriage, portorage, or provisions ; — or

ARTICLE 33.

Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of other persons ;

Shall, if an Officer, on conviction, be sentenced to be Dismissed the Service, or to be Suspended from Rank and Pay and Allowances ;

And, if a Soldier, shall, on conviction before a General, District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided that such Offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by any Court Martial with Dismissal, Reduction, Imprisonment with or without hard labour, and with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.

ACT No. XIX. OF 1847.

ARTICLE 34.

Any Officer or Soldier, who, being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by competent authority ; — or

ARTICLE 35.

Who shall malingering, feign or intentionally produce disease or infirmity ; or intentionally delay his cure ; or intentionally aggravate his disease or infirmity ; — or

ARTICLE 36.

Who shall, without orders, commit any waste, or spoil, or plunder, or shall injure or destroy any property ; — or

ARTICLE 37.

Any Soldier who shall, contrary to orders, when off duty, appear in or about Camp or Cantonments, or on occasion of visiting Towns or Bazzars, carrying a Sword, Bludgeon, or other Weapon ; — or

ARTICLE 38.

Who shall sell, pawn, or designedly or through neglect lose or injure his Horse, Arms, Clothes, Accoutrements or Regimental Necessaries ; or any of the above Articles entrusted or belonging to any other Soldier ;

Shall, on conviction before a General, District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as such Courts Martial respectively are by these Articles of War empowered to award.

Provided

ACT No. XIX. OF 1847.

Provided that such offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Embezzlement; punishable by General Court Martial with Dismissal, Fine, and Imprisonment with or without hard labour, and with or without solitary confinement, of Officers and Soldiers.

ARTICLE 39.

Any Officer, or Soldier, who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any Military purpose; or any Provisions, Forage, Arms, Clothing, Ammunition, or Military Stores, of whatever kind or description, the property of Government, entrusted to his charge; or who shall wilfully spoil such property, or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication;

Shall, on conviction before a General Court Martial, be Dismissed the Service, and fined to the extent of his arrears of Pay and Allowances; and be further liable to suffer Imprisonment with or without hard labour for a term which may extend to three years, and with or without solitary confinement (to be regulated as aforesaid.)

Disgraceful Conduct; punishable by General or District Court Martial, with Corporal Punishment, or Imprisonment with or without hard labour and solitary confinement, and in addition with forfeiture of additional Pay and of Pension on discharge, and stoppages, of Non-Commissioned Officers and Soldiers.

ARTICLE 40.

Any Soldier who shall be guilty of *disgraceful conduct*;

In wilfully maiming or injuring himself, or any other Soldier at the instance of such Soldier, with intent to render himself or such Soldier unfit for the Service, or with intent to take his own life; — or

ARTICLE 41.

ACT No. XIX. OF 1847.

ARTICLE 41.

In purloining or selling Government Stores ; — or

ARTICLE 42.

In stealing money or goods, the property of a Soldier, or of a Military Officer, or of any Military Mess, or of any person or persons belonging to or serving with or attached to the Army ; — or

ARTICLE 43.

In plundering or injuring property placed under his charge as Sentry, or in charge of his Guard, or in conniving at the plunder or injury of such property ; — or

ARTICLE 44.

In embezzling or fraudulently misapplying public money entrusted to him for any Military purpose ; — or

ARTICLE 45.

In committing any petty offence of a fraudulent or dishonest nature, to the injury of or with intent to injure the Government, or any person, Civil or Military ; — or

ARTICLE 46.

Who shall be guilty of any other *disgraceful conduct*, being of a cruel, indecent, or unnatural kind ;

Shall, on conviction before a General, or District, or Garrison Court Martial, be liable to suffer such punishments as any such Courts are by these Articles of War respectively empowered to award for *disgraceful conduct*.

And

ACT No. XIX. OF 1847.

And every such offender shall, if not dismissed the service, further be put under stoppages, by sentence of the Court, not exceeding half of his monthly Pay and Allowances; until the amount be made good of any loss or damage arising out of his misconduct.

And if such offender shall be Dismissed the Service, he shall further be sentenced to forfeit his arrears of Pay and Allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes punishable by General Court Martial with Suspension or Reprimand of Officers, or by any Court Martial with Dismissal, Reduction, or Simple Imprisonment with or without solitary confinement, or Loss of standing on the Roll, of Non-Commissioned Officers and Soldiers.

ARTICLE 47.

Any Officer, or Non-Commissioned Officer who shall strike or otherwise illtreat any Soldier;—— or

ARTICLE 48.

Any Sentry who, in time of peace, shall sleep upon his Post; or shall leave it before regularly relieved or without leave;—— or

ARTICLE 49.

Any Officer, or Soldier, who shall knowingly enlist a Deserter, or connive at his enlistment;—— or

ARTICLE 50.

Who, directly or indirectly, shall require or accept a bribe, present, or gratification, on the pretence of, or as a consideration for procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier;—— or

ACT No. XIX. OF 1847.

ARTICLE 51.

Who, being in Command at any Post, or on the march, on complaint made to him of any person under his command beating or otherwise ill-treating any person; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot; shall not see reparation done to the party or parties injured; or, if that be impracticable, shall not report the same to his Superior Officer; — or

ARTICLE 52.

Who, being in Command of a Guard, shall refuse to receive any Prisoner duly committed to his charge; or shall without proper authority release any prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape; — or

ARTICLE 53.

Who shall quit his Guard, or Picquet, in time of peace, without being regularly relieved, or without leave; — or

ARTICLE 54.

Who shall impede the Provost Marshal, or his Assistants, or any other Officer or person legally exercising authority; — or refuse to assist him when requiring his aid in the execution of his duty; — or

ARTICLE 55.

Who, being on leave of absence, shall have received information from the Head Quarters of his Regiment, or from other competent authority, that his Regiment has been ordered on service, and shall not rejoin without delay; — or

ARTICLE 56.

Who, in time of peace, shall, by discharging fire arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in Camp, Garrison, or Cantonments; — or

ARTICLE 57.

ACT No. XIX. OF 1847.

ARTICLE 57.

Who shall fail to repair at the time fixed to the parade, or place appointed, for exercise or duty, if not prevented by sickness or some other sufficient cause; — or

ARTICLE 58.

Who shall, without urgent necessity, or without leave of his Superior Officer, quit his Company, or Troop, or the Parade; — or

ARTICLE 59.

Who shall absent himself without leave; or shall, without sufficient cause, overstay the period for which leave may have been granted him; — or

ARTICLE 60.

Any Soldier who shall be found two miles from the Camp contrary to orders; — or

ARTICLE 61.

Who shall, contrary to orders, be absent from his Cantonment after tattoo, or from Camp after retreat beating; — or

ARTICLE 62.

Who shall sell, lose, or designedly, or through neglect, waste the ammunition delivered out to him;

Shall, if an Officer, on conviction, be sentenced to Suspension from Rank and Pay and Allowances; or to be Reprimanded in such manner as the Commander in Chief may direct;

And, if a Soldier, shall, on conviction before a General, or District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martial are by these Articles of War respectively empowered to award;

Provided

ACT No. XIX. OF 1847.

Provided that such offender shall not be liable to be sentenced to suffer Corporal Punishment, or Imprisonment with hard labour.

ARTICLE 63.

All crimes not capital, and all disorders or neglects which Officers or Soldiers may be guilty of, to the prejudice of good order and Military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the Sentence of a General, or District, or Garrison, or Regimental Court Martial; provided that a Soldier shall not for any such offences be liable to be sentenced to suffer corporal punishment, or Imprisonment with hard labour.

Crimes incident to Courts Martial; punishable by General Court Martial with Dismissal or Suspension of Officers, and by any Court Martial with Dismissal or Reduction of Non-Commissioned Officers, and with Dismissal or Simple Imprisonment of Soldiers.

ARTICLE 64.

Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or to make affirmation, or to answer any lawful question ; or who shall induce any other person so to offend ;

Shall be punished according to the Sentence of the same or another Court Martial, with Dismissal, or Suspension from Rank and Pay and Allowances, if a Commissioned Officer ; with Dismissal, or Reduction to the ranks, if a Non-Commissioned Officer ; or with Dismissal, or Imprisonment, if a Soldier ;

Provided that such person, being a Commissioned Officer, shall not be liable to be punished by any but a General Court Martial ; and that no offender punished under the provision of this Article of War shall be sentenced to suffer Imprisonment with hard labour, or Corporal Punishment.

ARTICLE 65.

ACT No. VIX. OF 1847.

ARTICLE 65.

Any person not amenable to these Articles of War, who, having been summoned before any Court Martial, shall refuse or neglect to attend; or who, attending, shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or shall give such testimony as, if given in a Criminal Court, would render him guilty of perjury ; or who shall induce any other person so to offend ;

Shall be delivered to a Magistrate to be proceeded against according to law.

ARTICLE 66.

Any person using menacing or disrespectful words, signs, or gestures, in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings ;

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the Sentence of the same or another Court Martial, if he be amenable to these Articles of War ; provided that such offender shall not be liable to be sentenced to Corporal Punishment or to Imprisonment with hard labour ; and if not amenable to these Articles of War, the offender shall be delivered over to a Magistrate to be proceeded against according to law.

Perjury ; punishable by General or District Court Martial with Dismissal, and in addition with Fine, or simple Imprisonment, of Officers and Soldiers.

ARTICLE 67.

Any Officer, or Soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General, or other Court Martial, or any Military Court entitled to administer an oath ; or of inducing any other person so to offend ;

Shall be Dismissed the Service, and shall be further subject to Fine to the amount of his arrears of Pay and Allowances, or to Imprisonment

E

which

ACT No. XIX. OF 1847.

which may extend to three years ;—according to the Sentence of a General, or District, or Garrison Court Martial.

Crimes admitting of less serious notice.

ARTICLE 68.

Whereas it may be advisable that some of the offences which by the foregoing Articles are directed to be tried by a General, or District, or Garrison Court Martial, should, in certain cases which admit of less serious notice, be tried by District, or Garrison, or Regimental Courts Martial—in such cases the Officer Commanding the Regiment or Corps to which the offender belongs may, if he thinks it expedient and for the good of the Service, order the offender to be tried by Regimental Court Martial, for any offence ordinarily cognizable by District, or Garrison Court Martial ; making however a report in every such case, for the information of the General Officer Commanding the Division, of the reasons of his having so proceeded ; or such Commanding Officer may lay a particular statement of the case before the General or other Officer having authority to convene General, or District, or Garrison Courts Martial, under whose command such offender may be serving, with an application for permission to try the offender by District, or Garrison, or Regimental Court Martial ; and such General or other Officer will exercise his discretion in complying or not with such application ; but the permission of such General or other Officer so to proceed, shall be entered upon the proceedings at the trial of such offender.

Provided that MUTINY shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated “ *Disgraceful Conduct*” in these Articles of War, and admitting of less serious notice, shall be tried by Regimental Courts Martial, the term “ *Disgraceful Conduct*” shall be omitted in the Charge ; and the offender shall on conviction be liable to suffer such punishment as a Regimental Court Martial is by these Articles of War empowered to award.

Offences

ACT No. XIX. OF 1847.

Offences on the Line of March or on board Vessels.

ARTICLE 69.

For offences committed on the Line of March, or on board any Ship or other Vessel, the Officer in Command of the Troops is hereby authorized to try any Soldier by a Regimental, or Detachment Court Martial, and to confirm and execute the Sentence on the spot;

Provided that such Sentence shall in no case exceed that which a Regimental Court Martial is competent to award;—and that the proceedings held in all such cases shall be transmitted for the information of the Commander in Chief.

SECTION III.

Administration of Justice.

ARTICLE 70.

Whenever any Officer or Soldier shall commit a crime deserving punishment by Court Martial, he shall, by his Commanding Officer, be put under arrest, if an Officer or Non-Commissioned Officer; or if a Soldier, be confined; until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority; and no Officer or Soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement, or an attempt to effect such process, shall in no case be omitted where it may be practicable;—but where resistance may be made, or from other circumstances such process may be impracticable, the offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

ARTICLE 71.

ACT No. XIX. OF 1847.

ARTICLE 71.

No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed *more than three years* previous to the order directing the assembly of the Court Martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried, at any time not exceeding *two years* after the impediment shall have ceased.

ARTICLE 72.

Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place within the British Territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ARTICLE 73.

The Commander in Chief at the Presidencies of Fort William, Fort Saint George, and Bombay respectively for the time being, may appoint General or other Courts Martial, and confirm, and mitigate or commute, or remit the Sentences of such Courts; and may issue his Warrant to any General or other Officer having the Command of a Body of Troops in the service of Her Majesty, or of the East India Company, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of offences committed by any of the Officers, or Soldiers, or Followers in the service of the said Company, being Natives of the East Indies, or of other places within the limits of the said Company's Charter, and to confirm, and mitigate or commute, or remit the sentences of such Courts Martial.

ARTICLE 74.

A General Court Martial shall not consist of less than *thirteen* Commissioned Officers, unless it be held out of the East India Company's Territories,

ACT No. XIX. OF 1847.

Territories, where such Court Martial may consist of *seven* Commissioned Officers, if a greater number cannot be conveniently assembled. And no sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander in Chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

Powers of a General Court Martial.

* ARTICLE 75.

A General Court Martial may sentence any Officer or Soldier to Death or Transportation, for any crimes which are by these Articles of War expressly made liable to sentence of Death or Transportation, and for such crimes only.

And when a Commissioned Officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such Officer to be Dismissed the service;—or to be Suspended from Rank and Pay and Allowances, for a stated period;—or to be Placed lower on the list of his rank, by an alteration of the date of his Commission, thereby losing the corresponding benefit of length of service; and the Court shall in every such sentence specify the extent or degree of Suspension or Reduction, which they shall so adjudge;—or the Court may sentence such Officer to be Reprimanded in such manner as the Commander in Chief may direct.

And a General Court Martial may sentence any Non-Commissioned Officer to be Reduced to the ranks;—or may sentence any Non-Commissioned Officer or Soldier to be Dismissed the service;—or to be Placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing,) or may sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes*;—or Imprisonment with or without hard labour not exceeding *two years*;—and to be kept in solitary confinement for any portion or portions of such Imprisonment, not exceeding

ACT No. XIX. OF 1847.

twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement, of not less duration than such periods of solitary confinement. Provided that no Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his Commanding Officer.

And a General Court Martial may, in addition either to Corporal Punishment, or to Imprisonment, as aforesaid, sentence a Soldier to Forfeiture of all advantage as to additional Pay and to Pension on discharge, which might have otherwise accrued from the length or nature of his former service; or to Forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct*.

And a General Court Martial may, in addition to the punishment of Dismissal, sentence any Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct;—And, in addition to any punishment not involving Dismissal from the service, may sentence any Officer or Soldier to be put under Stoppages not exceeding two-thirds of his Pay and Allowances in the case of an Officer, and not exceeding half of his Pay and Allowances in the case of a Non-Commissioned Officer or Soldier, until the amount of such loss or damage be made good.

Confirmation and Commutation of Sentence by the Commander in Chief.

ARTICLE 76.

In cases wherein a Sentence of *Death* shall have been awarded by a General Court Martial, for any offence against discipline for which sentence of Death is awardable under these Articles of War, the Commander in Chief may confirm such Sentence and cause it to be carried into effect, or may, instead of causing such Sentence to be carried into effect, order the offender, if an Officer, to be Transported for life, or to be

ACT No. XIX. OF 1847.

be Imprisoned for any term of years, or to be Dismissed; and, if a Soldier, to be Transported for life, or to be Imprisoned with or without Hard Labour either for life, or for a certain term of years, and with or without solitary confinement, (to be regulated as aforesaid,) as to the Commander in Chief may seem meet.

In cases of Commissioned Officers Sentenced to *Transportation*, the Commander in Chief may in lieu thereof order the offender to be imprisoned for any term of years, or to be Dismissed. And in cases of Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such Punishment, direct, that the offender be Suspended from Rank and Pay and Allowances for a certain period, to be distinctly specified by the Commander in Chief.

And the Commander in Chief may commute a Sentence of *Transportation* passed on a Soldier, to Imprisonment with or without Hard Labour, and with or without Solitary Confinement (to be regulated as aforesaid); and such Imprisonment may be either for the same period for which Transportation shall have been awarded, or for any lesser period.

And the Commander in Chief may commute a Sentence of *Corporal Punishment* to Dismissal from the service; or, in the case of a Non-Commissioned Officer may mitigate such Sentence to Reduction to the ranks; or in the case of a Non-Commissioned Officer or Soldier may commute such Sentence to Imprisonment without Hard Labour, and with or without Solitary Confinement (to be regulated as aforesaid,) for any period not exceeding *two years*.

In cases of Non-Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such punishment, direct that the offender be Reduced to the ranks, or placed lower in the list of the rank which he holds; (which shall not involve any forfeiture of service or other advantage, except that of standing.)

And

ACT No. XIX. OF 1847.

And in cases of offenders Sentenced to *Imprisonment with Hard Labour*, the Commander in Chief may mitigate such Sentence by causing the offender to be Reduced to the ranks, in the case of a Non-Commissioned Officer; or in the case of a Non-Commissioned Officer or Soldier by directing that he be Dismissed from the service; or suffer Imprisonment without Hard Labour, and with or without Solitary Confinement, (to be regulated as aforesaid), for any period not exceeding that for which he shall have been Sentenced to such Imprisonment with Hard Labour.

ARTICLE 77.

A District, or Garrison Court Martial shall consist of not less than *Seven* Commissioned Officers, except in situations where that number cannot be conveniently assembled, when such Court may consist of not less than *Five* Commissioned Officers. And such District, or Garrison Court Martial may be composed of Officers of the same Regiment, and shall be assembled in conformity with the orders of the Commander in Chief.

And the Sentence of a District, or Garrison Court Martial shall be confirmed by the Commander in Chief, or by some Officer duly authorized to confirm the same.

Commutation of Sentence.

And the Commander in Chief is empowered to remit, or mitigate, or commute the Sentences of such Courts Martial, in the same manner as the Sentences of General Courts Martial; and to delegate to or withhold from Commanding Officers the power of convening such Courts Martial, and of confirming, remitting, mitigating, or commuting the Sentences of such Courts (*not including forfeiture of pay or pension or other advantage*), as the Commander in Chief may deem to be most expedient.

And in case of any Sentence, including forfeiture of additional Pay or of Pension on Discharge, or of any prospective advantage, such Sentence

tence

ACT No. XIX. OF 1847.

tence shall not be carried into effect until confirmed by the Commander in Chief; and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of a District or Garrison Court Martial.

ARTICLE 78.

A District or Garrison Court Martial may Sentence any Non-Commissioned Officers to be Reduced to the ranks,—or may Sentence any Non-Commissioned Officer or Soldier to be Dismissed from the Service; or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing;) or may Sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes*; or Imprisonment with or without Hard Labour not exceeding *one year*, and to be kept in Solitary Confinement (to be regulated as aforesaid.)

And such Court Martial may, in addition either to Corporal Punishment or to Imprisonment as aforesaid, Sentence a Soldier to forfeiture of all advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct*.

And such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ACT No. XIX, OF 1847.

ARTICLE 79.

A Regimental Court Martial shall consist of not less than *Five* Commissioned Officers, (unless it be found impracticable to assemble that number, when *Three* may be sufficient :) and shall be assembled by order of the Officer Commanding the Regiment. And no Sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Provided that such Commanding Officer shall have power to remit all Sentences whatever passed by such Court, and thereupon to cause the offender to be released and to return to his duty.

Commutation of Sentence.

And such Commanding Officer shall have power to confirm and carry into effect or to mitigate all Sentences whatever passed by such Court; and to commute a Sentence of *Corporal Punishment* to Imprisonment without Hard Labour, and with or without Solitary Confinement, (to be regulated as aforesaid,) for any period for which such Court is competent to Sentence an offender to suffer Imprisonment and in the same manner; and to mitigate a Sentence of *Dismissal* in the case of a Non-Commissioned Officer, to Reduction to the Ranks;—and to commute a Sentence of *Imprisonment with Hard Labour*, to Dismissal; or to mitigate such Sentence to Reduction to the Ranks; or to Imprisonment without Hard Labour.

Powers of a Regimental Court Martial.

* ARTICLE 80.

A Regimental Court Martial may sentence any Non-Commissioned Officer to be Reduced to the ranks;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed from the service;—or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing)

ACT No. XIX. OF 1847.

standing,)—or may Sentence any Soldier to suffer Corporal Punishment not exceeding *one hundred lashes*; or Imprisonment, with or without hard labour, for any period not exceeding *six calendar months*; and to be kept in solitary confinement (to be regulated as aforesaid.)

Any such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 81.

An Officer Commanding any Detachment of his own Regiment, may assemble Regimental Detachment Courts Martial;—and an Officer Commanding a Detachment consisting of men of different Corps, may assemble Detachment or Line Courts Martial;—and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in Regiments, shall be taken to apply to Courts Martial held in Detachments, in all practicable cases.

Provided that no Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, and not being on the line of march or on board any ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the offender belongs, or by the nearest Superior Officer holding a Command of not less than a Regiment;—(who is hereby authorized to confirm the same,

ACT No. XIX. OF 1847.

same, in like manner, as an Officer Commanding a Regiment is empowered to do;)—Except in detached situations beyond Sea or out of the British Territories, or when on Service in the field, or in cases where an *immediate example* is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the Service; when the Officer Commanding such Detachment may exercise the powers which are vested in an Officer Commanding a Regiment.

ARTICLE 82.

At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the Prisoner be found guilty, and Imprisonment form a part of the Sentence, no portion of the Imprisonment should be Solitary;—or, should Corporal Punishment be awardable to the offender, that it shall not be awarded in the particular case; and the Court will govern itself accordingly; and such instruction shall be in writing, and shall be attached to the proceedings of the Court.

Execution of Sentences of Courts Martial.

ARTICLE 83.

In every sentence of Death awarded by a General Court Martial, the Court shall specify that the offender shall “suffer death by being hanged by the neck until he be dead,” or “by being shot to death,” as the Court in their discretion shall deem expedient; and such sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 84.

Whenever the sentence of a General Court Martial shall adjudge Transportation, or sentence of Death shall be commuted by competent authority to Transportation, any of the Sudder Courts shall give effect to such sentence, or commuted sentence, on the same being certified to the Court under the authority of the Commander in Chief.

And

ACT No. XIX. OF 1847.

And whenever any sentence of a Court Martial shall adjudge imprisonment with hard labour, or with solitary confinement, or both, or whenever the sentence of a Court Martial shall be commuted to any such Imprisonment, it shall be the duty of every Judge, Magistrate, Sheriff, or other Officer in charge of a Jail, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the Officer Commanding the Station or Regiment or Detachment, within which the trial is held.

ARTICLE 85.

Whenever any Soldier shall be sentenced to Imprisonment for life, or a sentence of Death shall be commuted to Imprisonment for life, it shall be lawful for the Commander in Chief to order such offender to be Transported beyond sea for life, and such order shall thereupon be made, unless there should be special reasons inducing the Commander in Chief to think such prisoner not a proper subject for Transportation.

ARTICLE 86.

Persons sentenced to Imprisonment by Courts Martial shall be imprisoned in any public prison or in any other fit place which the Commander in Chief shall from time to time direct.

ARTICLE 87.

Every Soldier sentenced to Imprisonment with hard labour, shall, previous to undergoing such punishment, be struck off the strength of his Corps from the date of confirmation of such sentence; and no Soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

ARTICLE 88.

Offenders sentenced to Dismissal for *disgraceful conduct*;

And offenders subject to Corporal Punishment, or to Imprisonment with hard labour for *disgraceful conduct* shall, on any such sentence being confirmed, be Dismissed with Ignominy.

ACT No. XIX. OF 1847.

ARTICLE 89.

In every case wherein a fine, or forfeiture of arrears of pay, or stoppages shall be adjudged by a Court Martial, any pay or public money due to the offender, or that may become due to him, shall be available, with the sanction of the Commander in Chief, for the payment of the amount so adjudged.

And no Soldier sentenced to pay a fine or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence for any period exceeding one year; and no Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his Pay and Allowances, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his Pay and Allowances.

Forms of Proceeding.

ARTICLE 90.

Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

ARTICLE 91.

At General Courts Martial a Judge Advocate, or an European Officer of not less than ten years service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, an European Officer of not less than four years standing in the service, except in cases where no Officer of that standing may be available, or the Adjutant of the Regiment, shall be appointed to conduct the proceedings.

ARTICLE 92.

ACT No. XIX. OF 1847.

standing,)—or may Sentence any Soldier to suffer Corporal Punishment not exceedieg *fifty lashes*; or Imprisonment, with or without hard labour, for any period not exceeding *six calendar months*; and to be kept in solitary confinement (to be regulated as aforesaid.)

Any such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to, forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 81.

An Officer Commanding any Detachment of his own Regiment, may assemble Regimental Detachment Courts Martial;—and an Officer Commanding a Detachment consisting of men of different Corps, may assemble Detachment or Line Courts Martial;—and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in Regiments, shall be taken to apply to Courts Martial held in Detachments, in all practicable cases.

Provided that no. Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, and not being on the line of march or on board any ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the offender belongs, or by the nearest Superior Officer holding a Command of not less than a Regiment;—(who is hereby authorized to confirm the

ACT No. XIX. OF 1847.

same, in like manner, as an Officer Commanding a Regiment is empowered to do;—Except in detached situations beyond Sea or out of the British Territories, or when on Service in the field, or in cases where an *immediate example* is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the Service; when the Officer Commanding such Detachment may exercise the powers which are vested in an Officer Commanding a Regiment.

ARTICLE 82.

At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the Prisoner be found guilty, and Imprisonment form a part of the Sentence, no portion of the Imprisonment should be Solitary;—or, should Corporal Punishment be awardable to the offender, that it shall not be awarded in the particular case; and the Court will govern itself accordingly; and such instruction shall be in writing, and shall be attached to the proceedings of the Court.

Execution of Sentences of Courts Martial.

ARTICLE 83.

In every sentence of Death awarded by a General Court Martial, the Court shall specify that the offender shall “suffer death by being hanged by the neck until he be dead,” or “by being shot to death,” as the Court in their discretion shall deem expedient; and such sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 84.

Whenever the sentence of a General Court Martial shall adjudge Transportation, or sentence of Death shall be commuted by competent authority to Transportation, any of the Sudder Courts shall give effect to such sentence, or commuted sentence, on the same being certified to the Court under the authority of the Commander in Chief.

And

ACT No. XIX. OF 1847.

In case of the unavoidable absence of an Interpreter, the European Superintending Officer of a Court Martial inferior to General, shall make the Solemn Affirmation prescribed for the Interpreter.

The Judge Advocate or Superintending Officer shall then cause the following Solemn Affirmation to be made by each Member :

“ I, A. B., solemnly affirm in the presence of Almighty God, that I
“ will duly administer justice according to the Articles of War, without
“ partiality, favour, or affection, and, if any doubt shall arise, then,
“ according to my conscience, the best of my understanding, and the
“ custom of War in the like cases, and that I will not divulge the sen-
“ tence of the Court until it shall be published by authority ; and further,
“ that I will not disclose or discover the vote or opinion of any particu-
“ lar Member of the Court, unless required to give evidence thereof
“ by a Court of Justice or a Court Martial in due course of Law.”

The following Solemn Affirmation shall then be administered by the Interpreter to the Judge Advocate or Superintending Officer :

“ I, A. B., solemnly affirm in the presence of Almighty God, that I
“ will not upon any account whatsoever disclose or discover the vote or
“ opinion of any particular Member of the Court Martial, unless required
“ to give evidence thereof as a witness by a Court of Justice, or a Court
“ Martial in due course of law, and that I will not, unless it be neces-
“ sary for the due discharge of my official duties, disclose the sentence
“ of the Court, until it shall be published by authority.”

Provided, that it shall be necessary to re-administer these Solemn Affirmations on the commencement of fresh trials before the same Court.

ARTICLE 98.

All persons who give evidence at a Court Martial are to be examined on Oath according to the forms of their respective religions or on Affirmation—and persons of the Hindoo or Mahomedan persuasion and other persons making Affirmation, shall make Affirmation to the following effect:

I

“ I solemnly

ACT No. XIX. OF 1847.

“ I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth.”

And if any person making such Affirmation as aforesaid, shall wilfully and falsely state any matter or thing which if the same had been sworn would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amenable to these Articles.

ARTICLE 99.

In all cases where persons required as witnesses before a Court Martial; may not be amenable to Military Law, the Judge Advocate or Commanding Officer shall transmit to the Magistrate within whose jurisdiction the witness may reside, his summons for the attendance of such person, and the Magistrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshals.

ARTICLE 100.

For the prompt and instant repression of all irregularities and crimes which may be committed by Troops in the Field and on the Line of March, Provost Marshals shall be appointed by the Commander in Chief, and their Powers shall be regulated according to the established Usages of War and Rules of the Service; their duties are to take charge of Prisoners confined for offences of a general description; to preserve good Order and Discipline; to prevent Breaches of both, by Soldiers and Followers of the Army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing Breaches of good Order and Military Discipline; Provided, that the punishment
be

ACT No. XIX. OF 1847.

be limited to the necessity of the case, and shall accord with the orders which the Provost Marshals may from time to time receive from the Commander of the Forces in the Field, and that whatever may be the crime, the Provost Marshal or his Assistant shall see the offender commit the act, for which summary punishment may be inflicted, or if the Provost Marshal or his Assistant should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a Report shall be made to the Commander of the Army in the Field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good Order and Military Discipline. The duties of Provost Marshals being limited to the punishment of offenders whom they may detect in the actual commission of any crime, the General Commanding the Forces in the Field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the Discipline of the East India Company's Army and the Public Service.

Trials by European Courts Martial.

ARTICLE 101.

At any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right to claim to be tried by European Officers; and should he make such claim, the Court, whether General, District, or Garrison, or Regimental, shall be composed of European Commissioned Officers, and the number of Members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor General of India in Council by a General Order to authorize the Native Troops of any of the Presidencies to claim to be tried in like manner by European Courts Martial.

SECTION IV.

ACT No. XIX. OF 1847.

SECTION IV.

Effects of the Dead.

* ARTICLE 102.

When any Officer or Soldier, or any person receiving public pay drawn by any Officer in charge of a Public Department belonging to the Army, may die, or be killed in the service, the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, shall, if no Heir or Executor be present, secure his Effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the office of the Adjutant, or Officer in charge of the Department.

* ARTICLE 103.

If there be no Heir or Executor on the spot, the Effects are to be publicly sold; the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, after discharging the debts of the deceased, viz. the expense of Funeral Ceremonies, his Debts in Camp or Quarters, and Regimental Debts of every description, shall account for the residue to the Heir or Heirs declared by Will, whether written or verbal, or nominated in the Regimental Register, or in failure of such to the legal representative of the deceased; and in the event of no Executor, Heir, or other representative of the deceased attending and establishing his claim within twelve months from the date of the casualty, the amount in the hands of the Officer having charge of the Estate, is to be remitted to the General Treasury at the Presidency.

SECTION V.

Miscellaneous.

ARTICLE 104.

The Effects of Deserters are to be publicly sold, and the proceeds after payment of Regimental Debts, remitted by the Officer Command-
ing

ACT No. XIX. OF 1847.

ing the Corps to which the Deserter belongs, to the General Treasury at the Presidency, or appropriated according to the rules obtaining at such Presidency.

ARTICLE 105.

All powers and provisions contained in these Articles relating to the Commander in Chief, shall be construed to extend to the Commander in Chief at any Presidency, and to the Officer Commanding the Forces for the time being at any Presidency, unless when otherwise provided.

All powers and provisions contained in these Articles relating to Soldiers, shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

ARTICLE 106.

When any portion of the Troops belonging to one Presidency shall be serving within the limits of another Presidency, such Troops shall be considered as placed, during such service, under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such Presidency. Provided always that it shall be lawful for the Governor General in Council in his executive capacity, to direct that the Troops, or any part thereof of any Presidency, whilst serving without the limits of such Presidency shall continue under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency to which they belong, for all purposes of these Articles.

ARTICLE 107.

Any Officer Commanding any portion of the East India Company's Troops which may at any time be serving in any place out of Her

K

Majesty's

ACT No. XIX. OF 1847.

Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or of the Territories of those States in alliance with the said Company in which the said Company's Forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's Army, being under the immediate Command of any such Officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three Officers, for the purpose of trying any such person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts Martial; and every such Court Martial shall have the same powers in regard to summoning and examining witnesses, trial of, and sentence upon any such offenders as are granted by these Articles to General Courts Martial; provided that no sentence of any such Court Martial shall be executed until the General Commanding in Chief the Army to which the Division, Brigade, Detachment, or Party to which any person so tried, convicted and adjudged to suffer punishment shall belong, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District, or Garrison Court Martial, in which case the Officer by whom the Court is convened is hereby authorized to confirm or commute, or mitigate, or remit the same; reporting the proceedings to the said General Commanding in Chief.

ARTICLE 108.

General Courts Martial only shall have the power to try Commissioned Officers; or to pass Sentence of Death or Transportation on any offenders.

ARTICLE 109.

No person, being acquitted or convicted before a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided always, that after a
Soldier

ACT No. XIX. OF 1847.

Soldier shall have been found guilty by a Court Martial of any military offence, such Court Martial shall inquire into and receive evidence of any previous conviction of such Soldier before a Court Martial or a Court of Justice, and shall enquire into the *general* character of such Soldier; for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided that no such evidence shall in any case be received until the Court shall have ascertained that such Soldier had previously to his trial received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all Soldiers previous to trial.

* ARTICLE 110.

No Non-Commissioned Officer shall be Reduced to the ranks but by the sentence of a Court Martial, or by order of the Commander in Chief of the Presidency to which the offender shall belong. Provided that no Non-Commissioned Officer shall be Reduced to the ranks for any limited period; nor Suspended from his rank; nor Reduced from a higher to a lower grade of Non-Commissioned Officer; nor sentenced to suffer Corporal Punishment or Imprisonment, without being first Reduced to the ranks.

* ARTICLE 111.

Any Officer or Soldier thinking himself wronged by his Superior or other Officer, is to complain thereof to the Commanding Officer of his Troop or Company, by whom if the grievance be not redressed, such Officer, Non-Commissioned Officer, or Soldier, may complain to the Commanding Officer of his Regiment, who is hereby required to examine into such complaint, or remit it to his superior authority as the circumstances may require; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a General or other Court Martial in manner hereinbefore mentioned; provided that such offender shall not be liable

to

ACT No. XIX. OF 1847.

to be sentenced to Dismissal nor to suffer Corporal Punishment or Imprisonment with hard labour.

ARTICLE 112.

In case of light offences, a Commanding Officer, may, without the intervention of a Court Martial, award extra drill with or without pack for a period not exceeding fifteen days ; restriction to Barrack limits not exceeding fifteen days ; confinement in the Quarter Guard, or Defaulters' Room, not exceeding seven days ; removal from Staff situations or acting appointments ; or may order Soldiers to be employed in piling and unpling shot ; and in cleaning accoutrements of men in Hospital ; but none of these descriptions of punishment shall be awardable by Sentence of a Court Martial. And a Commanding Officer may award solitary confinement not exceeding seven days.

Provided that Soldiers in confinement shall be liable to be ordered to attend ordinary drill.

ARTICLE 113.

Any Officer, or Soldier, who shall be taken prisoner by the Enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner and until he shall again return to the service ; when, if he can establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not served with or assisted the Enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such portion of his arrears of pay and allowances as the Government of the Presidency to which he may belong shall determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander in Chief. And every Officer or Soldier in imprisonment under the sentence of a Court Martial, or a commuted sentence, or under the sentence of a Court of Criminal Judicature, shall, during the term of such imprisonment, receive subsistence only, to the amount of his pay proper, according to the rates of Pay granted to Officers and Soldiers of the Bengal Army.

SECTION VI.

ACT No. XIX. OF 1847.

SECTION VI.

Mode of dealing with offences not Military.

ARTICLE 114.

In all places within the jurisdiction of any Civil Judicature, established by appointment of Her Majesty or of the said Company, Officers and Soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such Civil Judicature, shall be delivered over to a Magistrate to be proceeded against according to Law.

And all Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending and securing any person so accused.

Crimes to be tried by Courts Martial where no regular Criminal tribunals exist.

ARTICLE 115.

In any place within the limits of the Charter of the East India Company, whether in or out of the British Territories, where there may be no Civil Judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by Civil Tribunals, such offences when committed by Officers or Soldiers shall be cognizable by Courts Martial.

ARTICLE 116.

General Courts Martial shall have cognizance ordinarily, of offences punishable with Death ;

Transportation for Life;

Imprisonment for Life;

Imprisonment

ACT No. XIX. OF 1847.

Imprisonment for a period which may extend to fourteen years;

Imprisonment for a period which may extend to seven years.

ARTICLE 117.

District, or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with Imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of Death or Transportation, with power to sentence persons convicted of such offences to Imprisonment for any period not exceeding three years.

ARTICLE 118.

Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable with Imprisonment for a period not exceeding six calendar months, and, by special order, of offences ordinarily cognizable by District, or Garrison Courts Martial, with power to sentence persons convicted of such offences to Imprisonment for a period not exceeding six calendar months.

General Courts Martial.

Punishment of Death.

ARTICLE 119.

Any Officer or Soldier who shall be convicted by a General Court Martial of the crime of "Murder" shall be sentenced to suffer Death by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder, whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever

ACT No. XIX. OF 1847.

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for Life.

ARTICLE 120.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other Corporal injury to any person endangering the life of such person: That is to say,

1st.—Breaking, or attempting to break, by day or night, into any Dwelling House, Tent, Boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal.

2nd.—Robbery or attempt to rob

3rd.—Stealing or attempting to steal in a house, or from the person ;

Shall be Sentenced by such General Court Martial to Imprisonment with or without hard labour and Transportation for life.

Offences punishable by Imprisonment which may extend to fourteen years.

ARTICLE 121.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with wounding or other Corporal injury to any person not endangering the life of such person ; — or

ARTICLE 122.

ACT No. XIX. OF 1847.

ARTICLE 122.

Of wounding, or administering poison with intent to murder, whether the person wounded or to whom poison is administered, be the person whom the offender intended to murder or another; — or

ARTICLE 123.

Of Robbery by open violence, or Dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house, or place of habitation, or any place in which property may be kept, for the purpose of robbery; — or

ARTICLE 124.

Of breaking, or attempting to break, into any Dwelling House, Tent, Boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal; — or

ARTICLE 125.

Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed one hundred Company's Rupees; — or

ARTICLE 126.

Of purchasing or receiving plundered or stolen property, knowing it to have been obtained by robbery by open violence, or by theft or robbery aggravated as described in Article 120 or Article 121;

Shall be sentenced by such General Court Martial to Imprisonment with or without Hard Labour for a period not exceeding fourteen years.

Offences

ACT No. XIX. OF 1847.

Offences punishable by Imprisonment not exceeding seven years.

ARTICLE 127.

Any Officer or Soldier who shall be convicted by a General Court Martial of culpable Homicide not amounting to wilful murder ; — or

ARTICLE 128.

Of premeditated affray, attended with Homicide, or severe wounding, or other aggravating circumstance ; — or

ARTICLE 129.

Of intentionally wounding, maiming, or otherwise doing Corporal injury to any person ; — or

ARTICLE 130.

Of accidentally wounding, maiming, or otherwise doing Corporal injury to any person, with the intention of doing such injury to another person ; — or

ARTICLE 131.

Of breaking into any Dwelling House, Tent, Boat, or other place of habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein ; — or

ARTICLE 132.

Of stealing from any habitation, or from any person, any property exceeding Three Hundred Company's Rupees in value ; — or

ARTICLE 133.

Of having purchased any property so stolen, exceeding in value Three Hundred Company's Rupees, knowing it to have been stolen ; — or

ARTICLE 134.

Of Arson ; — or

ACT No. XIX. OF 1847.

ARTICLE 135.

Of an unnatural crime ; — or

ARTICLE 136.

Of Rape ; — or

ARTICLE 137.

Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose, any unmarried woman under the age of fifteen years ; — or

ARTICLE 138.

Of stealing a child under the age of eight years ; — or

ARTICLE 139.

Of counterfeiting, or causing or procuring the fraudulent fabrication or alteration of any written deed, or printed paper, of any description ; or any counterfeit seal or signature thereto ; or the illicit imitation of any public stamp or stamped paper, established by Government ; or of fraudulently issuing and publishing as true, or of fraudulently giving effect, or attempting to give effect, to fabricated deeds and papers, knowing them to be forgeries ; or of using, selling or disposing of such stamped paper, knowing the same to be counterfeit ; — or

ARTICLE 140.

Of forging or procuring to be forged any counterfeit Coin, in imitation of any of the Gold, Silver or Copper Coin of the British Government in India ; or of any Coin usually received as money in the British Territories ; or of clipping, filing, drilling or defacing any such Coin ; or of paying or tendering in payment counterfeit Coin, Bank Notes or other Securities for money, knowing the same to be counterfeit, although such Notes or Securities shall be incomplete ;

Shall

ACT No. XIX. OF 1847.

Shall be Sentenced by such General Court Martial to suffer Imprisonment with or without Hard Labour, for any period not exceeding seven years.

District or Garrison Courts Martial.

Offences punishable by Imprisonment not exceeding three years.

ARTICLE 141.

It shall be competent to the Commander in Chief, and to any Officer having authority to convene District or Garrison Courts Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of Death, or Imprisonment or Transportation for Life is not provided therein, to be tried for such offences before a District, or Garrison Court Martial, and such Court shall have power, on conviction, to sentence any such offender to Imprisonment with or without Hard Labour for any period not exceeding three years.

ARTICLE 142.

Any Officer or Soldier who shall be convicted by a General, District, or Garrison Court Martial, of stealing from any habitation, or from the person, any property, of value not exceeding Three Hundred Company's Rupees but exceeding Fifty Company's Rupees; — or

ARTICLE 143.

Of having purchased or received any stolen property of value not exceeding Three Hundred Company's Rupees, knowing it to have been stolen, but not under aggravating circumstances; — or

ARTICLE 144.

ACT No. XIX. OF 1847.

ARTICLE 144.

Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen ;

Shall be sentenced by such Court to suffer Imprisonment with or without Hard Labour for any period not exceeding three years..

Regimental, Detachment, or Line Courts Martial.

Offences punishable by Imprisonment not exceeding six months.

ARTICLE 145.

It shall be competent to any Officer having authority to convene a Court Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which no punishment exceeding Imprisonment with Hard Labour for three years is therein provided, to be tried before Regimental, or Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer Imprisonment with or without Hard Labour for any period not exceeding six calendar months.

Offences punishable by Imprisonment from six months to one year, according to the description of the Court.

ARTICLE 146.

Any Officer or Soldier who shall be convicted of stealing property to the value of Fifty Company's Rupees, or of less value ;— or

ARTICLE 147.

ACT No. XIX. OF 1847.

ARTICLE 147.

Of Assault or Affray, unattended with Homicide, severe wounding, or aggravating circumstances ;

Shall be sentenced to suffer Imprisonment with or without Hard Labour, for any period not exceeding one year, by the award of a General, or District, or Garrison Court Martial ; or, for any period not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

Offences punishable by Imprisonment from six months to two years, according to the description of the Court.

ARTICLE 148.

Any Officer or Soldier who shall be convicted of resisting the process of a Magistrate or Police Officer ;—— or

ARTICLE 149.

Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War ;

Shall be sentenced to suffer Imprisonment for any period not exceeding two years, by the award of a General Court Martial ; not exceeding one year, by the award of a District, or Garrison Court Martial ; and not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

ARTICLE 150.

Any Officer or Soldier who shall be convicted by a General, or District, or Garrison, or Regimental Court Martial, of having been present, aiding and abetting, or of having caused, instigated, or procured, the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such Court to the punishment therein provided for

N

such

ACT No. XIX. OF 1847.

such offence, and awardable by General, or District or Garrison, or Regimental Courts Martial, respectively.

ARTICLE 151.

No sentence of Death shall be carried into effect until confirmed by the Commander in Chief, nor, if the trial shall have been held within the British Territories forming part of either of the Presidencies of Fort William, Fort St. George, and Bombay, respectively, until such confirmation shall have been concurred in by the Government of the Presidency where such trial shall have been held.

ARTICLE 152.

The Commander in Chief is authorized at his discretion to confirm any sentence of Death, or to remit such sentence, or to commute it into Imprisonment with hard labour and Transportation for life, or into Imprisonment with hard labour for any term of years.

ARTICLE 153.

No sentence of Transportation shall be carried into effect until confirmed by the Commander in Chief, and the Commander in Chief is authorized at his discretion to confirm any such sentence, or to commute it into Imprisonment with or without hard labour for any period of time.

ARTICLE 154.

It shall be competent to any Officer having authority to confirm the sentence of a General or other Court Martial to remit any sentence passed by such Court Martial, or to mitigate such sentence by substituting simple Imprisonment for Imprisonment with hard labour, or by reducing the period of Imprisonment, or by directing the discharge of the offender in lieu of any Imprisonment.

ARTICLE 155.

A person who may have been tried for any offence by a Court Martial under the authority of these Articles of War, shall not be tried for the same

ACT No. XIX. OF 1847.

same in any other Court whatsoever, and no person who shall have been acquitted or convicted of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by Cashiering or Dismissal from the service.

ARTICLE 156.

The Regulations at present in force at any Presidency, by which the office and powers of Commissariat Officers, or Officers, in charge of the Police, or Superintendents of Bazzars, are defined and controuled; or by which Panchayets are constituted and guided; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around Cantonments; are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

SECTION VII.

Application of the Articles.

ARTICLE 157.

All Officers and Soldiers, all Drivers, Farriers, Trumpeters, and Drummers; all unattested Recruits; all Hospital Attendants, Sub-Assistant Surgeons, Native Doctors, and Dressers; all Artificers and Labourers, Suttlers, Followers, public and private, or others attached to or serving with any part of the Army, are to be governed by these Articles and subject to trial by Courts Martial.

Provided, that persons of European descent, (whether on the side of their father or mother) professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article, (and not being Her Majesty's natural born subjects born in Europe, or the children of such subjects,) shall be tried and
punished

ACT No. XIX. OF 1847.

punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better government of the European Officers and Soldiers in the Service of the East India Company.

Promulgation of the Articles.

ARTICLE 158.

These Articles are to be translated into the several languages of the different Presidencies, and the parts following, viz. the second Section, together with the following Articles in other Sections which are marked with an * (Asterisk), viz. 2, 4, 75, 78, 80, 102, 103, 110, and 111, are to be read once every three months at the head of every Regiment, Troop or Company mustered in the service, and to every Recruit at the period of his attestation.

ACT No. XX. OF 1847.

*Passed by the Right Hon'ble the Governor General of
India in Council on the 18th of December, 1847.*

*An Act for the encouragement of learning in the Territories subject to
the Government of the East India Company, by defining and providing
for the enforcement of the right called Copyright therein.*

WHEREAS doubts may exist whether the right called Copyright can be enforced by the Common Law of England in those parts of the Territories subject to the Government of the East India Company into which the Common Law of England has been introduced :

And whereas doubts may exist whether the said right can be enforced by virtue of the principles of equity and good conscience in the other parts of the Territories subject to the Government of the East India Company :

And whereas for the encouragement of learning it is desirable that the existence of the said right should be placed beyond doubt, and that the said right should be made capable of easy enforcement in every part of the said Territories :

And

ACT No. XX. OF 1847.

And whereas it is doubtful whether the Act of Parliament 5 and 6, Victoria, C. 45, entitled “*an Act to amend the Law of Copyright,*” although such Act extend to every part of the British Dominions, has made appropriate and sufficient provision for the enforcement in every part of the said Territories subject to the Government of the East India Company of the said right by proprietors thereof: and whether the said Act of Parliament has made provision for the enforcement of the said right by or against any persons not being subject to the jurisdiction of the Courts established by Her Majesty’s Charter :

I. It is therefore hereby enacted, that the Copyright in every book published in the life-time of its author within the said Territories after the passing of the Act of Parliament 3 and 4, Wm. 4, C. 85, entitled “*an Act for effecting an arrangement with the East India Company and for the better government of His Majesty’s Indian Territories till the 30th day of April, 1854,*” shall endure for the natural life of such author, and for the further term of seven years commencing at the time of his death and shall be the property of such author and his assigns : Provided always, that if the said term of seven years shall expire before the end of forty-two years from the publication of such book, the Copyright shall in that case endure for such period of forty-two years ; and that the Copyright in every book published after the death of its author and after the passing of the Act of Parliament last aforesaid shall endure for the term of forty-two years from the first publication thereof and shall be the property of the proprietor of the author’s manuscript, from which such book shall be first published, and his assigns.

II. And whereas it is expedient to provide against the suppression of books of importance to the public : It is enacted, that it shall be lawful for the Governor General in Council on complaint made to them that the proprietor of the Copyright in any book published after the passing of this

Act

ACT No XX. OF 1847.

Act within the said Territories, has after the death of its author refused to republish or to allow the republication of the same, and that by reason of such refusal such book may be withheld from the public, to grant a licence to such complainant to publish such book in such manner and subject to such conditions as they may think fit, and it shall be lawful for such complainant to publish such book according to such licence.

III. And it is hereby enacted, that a Book of Registry wherein may be registered as hereinafter enacted the proprietorship in the Copyright of books and assignments thereof, and licences affecting such Copyright, shall be kept in the office of the Secretary to the Government of India for the Home Department, and shall at all convenient times be opened to the inspection of any person on payment of Eight Annas for every entry which shall be searched for or inspected in the said book, and that such Officer shall whenever thereunto reasonably required, give a copy of any entry in such book certified under his hand, to any person requiring the same on payment to him of the sum of Two Rupees, and such copies so certified shall be received in evidence in all Courts and in all summary proceedings, and shall be *prima facie* proof of the proprietorship or assignment of Copyright or licence as therein expressed, but subject to be rebutted by other evidence.

IV. And it is enacted, that if any person shall wilfully make or cause to be made any false entry in the Registry Book aforesaid, or shall wilfully produce, or cause to be tendered in evidence any paper falsely purporting to be a copy of any entry in the said Book, he shall be guilty of a misdemeanour and shall be punished with imprisonment with or without hard labour for a term not exceeding three years.

V. And it is enacted, that after the passing of this Act, it shall be lawful for the proprietor of Copyright in any book published, after the
passing

ACT No. XX. OF 1847.

passing of the said Act of Parliament 3 and 4, Wm. 4, C. 85; to make entry in the Registry Book of the title of such book, the time of the first publication, and the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the Copyright of the said book, or of any portion of such Copyright in the form in that behalf given in the Schedule to this Act annexed upon payment of the sum of Two Rupees to the said Secretary, and that it shall be lawful for every such registered proprietor to assign his interest or any portion of his interest therein, by making entry in the said Book of Registry of such assignment, and of the name and place of abode of the Assignee thereof in the form given in that behalf in the said Schedule on payment of the like sum; and such assignment so entered shall be effectual in Law to all intents and purposes whatsoever without being subject to any stamp or duty, and shall be of the same force and effect as if such assignment had been made by Deed.

VI. And it is enacted, that if any person shall deem himself aggrieved by any entry made under colour of this Act in the said Book of Registry, it shall be lawful for such person to apply by motion to the Supreme Court of Calcutta, or if the Court shall not be then sitting to any Judge of such Court sitting in Chambers for an order that such entry may be expunged or varied, and that upon any such application to the said Court, or to a Judge as aforesaid, such Court or Judge shall make such order for expunging, varying or confirming such entry either with or without costs, as to such Court or Judge shall seem just, and the said Secretary shall on the production to him of any such order for expunging or varying any such entry expunge or vary the same according to the requisitions of such order.

VII. And it is enacted, that if any person shall after the passing of this Act print or cause to be printed either for sale or exportation, any book in which there shall be subsisting Copyright without the consent in writing of the proprietor thereof, or shall have in his possession for sale or hire

ACT No. XX. OF 1847.

hire any such book so unlawfully printed without such consent as aforesaid, such offender if he shall have so offended within the local limits of the jurisdiction of any of the Courts of Judicature established by Her Majesty's Charter, shall be liable to a special action on the case in such Court, and if he shall have so offended in any other part of the Territories subject to the Government of the East India Company to a suit in the Zillah Court within the jurisdiction of which he shall have so offended, which shall and may be prosecuted in the same manner in which any other action of damages may be brought and prosecuted there, and if he shall have so offended in any such last mentioned part of the Territories subject to the Government of the East India Company in which there is no Zillah Court, to a suit in the highest local Court exercising original Civil jurisdiction in such part of the said Territories.

VIII. And it is hereby enacted, that after the passing of this Act in any suit or action brought in any of the Courts of Judicature established by Her Majesty's Charter under the provisions of this Act against any person for printing any such book for sale, hire or exportation, or for selling, publishing or exposing to sale or hire, or causing to be sold, published or exposed to sale or hire, or for having in his possession for sale or hire any such book so unlawfully printed, the defendant on pleading thereto shall give to the plaintiff a notice in writing of any objections on which he means to rely on the trial of such action, and if the nature of his defence be that the plaintiff in such action was not the author or first publisher of the book in which he shall by such action claim Copyright, or is not the proprietor of the Copyright therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the Copyright therein, then the defendant shall specify in such notice the name of the person who he alleges to have been the author or first publisher of such book, or the proprietor of the Copyright therein, together with the title of such book, and the time when and the place

where

ACT No. XX. OF 1847.

where such book was first published, otherwise the defendant in such action shall not at the trial or hearing of such action be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such Copyright as aforesaid, or that he was not the proprietor of the Copyright therein, and at such trial or hearing no other objection shall be allowed to be made on behalf of such defendant than the objections stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the Copyright therein than the person specified in such notice, or give in evidence in support of his defence any other book than one substantially corresponding in title, time and place of publication with the title, time and place specified in such notice.

IX. And it is hereby enacted, that after the passing of this Act in any such suit or action as last aforesaid brought in any Zillah Court or other local Court as aforesaid the defendant shall state in his answer all such matters as he means to rely on and which by the last preceding Section the defendant in any suit or action brought in any of the Courts of Judicature established by Her Majesty's Charter is required to give notice of in writing, otherwise such defendant shall be subject to the same consequences for any omission in his answer as a defendant is made subject to by the last preceding Section for any omission in his notice.

X. And it is hereby enacted, that when any publisher or other person shall within the said Territories before or at the time of the passing of this Act, but after the passing of the said Act of Parliament 3 and 4, Wm. 4, C. 85, have projected, conducted and carried on, or shall hereafter project, conduct or carry on, or be the proprietor of any Encyclopædia, Review, Magazine, Periodical work or work published in a series of Books or Parts, or any book whatsoever, and shall have employed or shall employ any persons to compose the same, or any Volumes, Parts, Essays, Articles

or

ACT No. XX. OF 1847

or Portions, thereof for publication in, or as part of the same, and such Work, Volumes, Parts, Essays, Articles or Portions shall have been, or shall hereafter be composed under such employment on the terms that Copyright therein shall belong to such Proprietor, Projector, Publisher or Conductor, and paid for by such Proprietor, Projector, Publisher or Conductor, the Copyright in every such Encyclopædia, Review, Magazine, Periodical work and work published in a series of Books or Parts, and in every Volume, Part, Essay, Article and Portion so composed and paid for shall be the property of such Proprietor, Projector, Publisher or Conductor, who shall enjoy the same rights as if he were the actual author thereof and shall have such term of Copyright therein as is given to the authors of Books by this Act, except only that in the case of Essays, Articles or Portions forming part of and first published in Reviews, Magazines or other Periodical works of a like nature after the term of twenty-eight years from the first publication thereof respectively the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Act. Provided always, that during the term of twenty-eight years the said Proprietor, Projector, Publisher or Conductor shall not publish any such Essay, Article or Portion separately or singly without the consent previously obtained of the author thereof or his assigns : Provided also, that nothing herein contained shall alter or affect the right of any person who shall have been or shall be so employed as aforesaid to publish any such his composition in a separate form who by any contract, express or implied, may have reserved or may hereafter reserve to himself such right, but every author reserving, retaining or having such right shall be entitled to the Copyright in such composition when published in a separate form according to this Act without prejudice to the right of such Proprietor, Projector, Publisher or Conductor as aforesaid.

XI. And it is hereby enacted, that the Proprietor of the Copyright in any Encyclopædia, Review, Magazine, Periodical work or other work published

ACT No. XX. OF 1847.

published in a series of Books or Parts shall be entitled to all the benefits of the Registration in the Office of the Secretary to the Government of India for the Home Department, under this Act, on entering in the said Book of Registry the title of such Encyclopædia, Review, Periodical work or other work published in a series of Books or Parts, the time of the first publication of the first Volume, Number or Part thereof, or of the first Volume, Number or Part first published after the passing of this Act in any such work which shall have been published heretofore, and after the passing of the said Act of Parliament 3 and 4, William 4, C. 85, and the name and place of abode of the Proprietor thereof and of the Publisher thereof when such Publisher shall not also be the Proprietor thereof.

XII. And it is enacted, that all copies of any Book wherein there shall be Copyright, and of which entry shall have been made in the said Registry Book and which shall have been unlawfully printed without the consent of the Registered Proprietor of such Copyright in writing under his hand first obtained shall be deemed to be the property of the Proprietor of such Copyright and who shall be registered as such, and such Registered Proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same or damages for the detention thereof.

XIII. And it is enacted, that if the case be within the jurisdiction of any of the Courts of Judicature established by Her Majesty's Charter, such Registered Proprietor shall be entitled to sue for and recover such copies or damages for the detention thereof in an action of Detinue, from any party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action of Trover, and that if the case be within the jurisdiction of any Zillah Court or other local Court as aforesaid, the Registered Proprietor shall be entitled to sue for and recover such copies or damages for the detention or conversion thereof, in such form

ACT No. XX. OF 1847.

form as is in use in the said Zillah or other local Courts for the recovery of specific personal property or damages for the detention or conversion thereof.

XIV. And it is enacted, that no Proprietor of Copyright in any book first published after the passing of the said Act of Parliament 3 and 4, Wm. 4, C. 85, shall maintain under the provisions of this Act any action or suit at law or in equity, or any summary proceeding in respect of any infringement of such Copyright unless he shall before commencing such action, suit or proceeding have caused an entry to be made in the Book of Registry at the Office of the said Secretary of such book pursuant to this Act. Provided always, that the omission to make such entry shall not affect the Copyright in any book, nor the right to sue or proceed in respect of the infringement thereof except the right to sue or proceed in respect of the infringement thereof under the provisions of this Act.

XV. And it is enacted, that if any action or suit shall be commenced or brought in any of the Courts of Judicature established by Her Majesty's Charter against any person or persons whomsoever for doing or causing to be done any thing in pursuance of this Act the defendant or defendants in such action may plead the general issue and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant or the plaintiff shall become nonsuited or discontinue his action, then the defendant shall have and recover his full costs for which he shall have the same remedy as a defendant in any case by law hath in the said last-mentioned Courts.

XVI. And it is enacted, that all actions, suits, bills, indictments, informations and other criminal proceedings for any offence which shall be committed against this Act shall be brought, sued and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of none effect.

XVII. Provided

ACT No. XX: OF 1847.

XVII. Provided always and it is enacted, that nothing in this Act contained shall affect, alter or vary any right subsisting at the time of passing this Act except as herein expressly enacted ; and all contracts, agreements and obligations made and entered into before the passing of this Act and all remedies relating thereto, shall remain in full force, any thing herein contained to the contrary notwithstanding.

SCHEDULE.

No. 1.

Original Entry of Proprietorship of Copyright of a Book.

Time of making the Entry.	Title of Book.	Name of the Publisher and Place of Publication.	Name and Place of abode of the Proprietor of the Copyright.	Date of First Publication.

ACT No. XX. OF 1847.

No. 2.

**Form of Entry of Assignment of Copyright in any Book previously
registered.**

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of the Copyright.
	(Set out the Title of the Book and refer to the page of the Registry Book in which the origi- nal Entry of the Copyright thereof is made.)		

ACT No. XXI. OF 1847.

Passed by the Right Hon'ble the Governor General of India in Council on the 18th of December, 1847.

An Act for the improvement of the Administration of Justice and despatch of Business in the Supreme Court of Judicature at Bombay.

I. IT is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Bombay when occasion shall so require to sit apart from the other Judges or Judge, as the case may be, of the same Court for the despatch of the Criminal Business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of Business in the said Supreme Court, and that all Proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the Law to all intents and purposes as fully as if the said Proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Gaol Delivery under the Charter of the said Court.

II. And it is hereby further enacted, that all business of what nature or kindsoever which the said Supreme Court of Judicature at
Bombay

ACT No. XXJ OF 1847.

Bombay may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all Proceedings whatever before the said Court out of Term, shall be as good, valid and effectual in the Law to all intents and purposes as fully as if the said Proceedings were had in Term; and that all Rules and Orders of the said Court as to all Judgments, Executions or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions or other Proceedings given, issued or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

ACT No. XXII. OF 1847.

Passed by the Right Hon'ble the Governor General of India in Council on the 18th of December, 1847.

To enable the Commissioners who may be appointed under Act XVI. of 1847 to purchase and hold real or personal property for the Improvement of the Town of Calcutta.

WHEREAS by Act XVI. of 1847, entitled an Act for constituting Commissioners for the Improvement of the Town of Calcutta, partly by appointment of the Government and partly by election of the Rate-payers, provision was made for the appointment and election of such Commissioners, or in default of election, for the appointment of the whole of such Commissioners :

And whereas it is expedient, that provision should be made to enable such Commissioners to purchase and hold real or personal property for the purposes aforesaid in manner hereinafter mentioned :

And whereas it is probable that benevolent and public spirited individuals, with the view of contributing to the improvement and adornment

ACT No. XXII. OF 1847.

ment of the said Town may be desirous of settling real or personal property by Deed or Will upon such Commissioners :

I. It is therefore enacted, that the said Commissioners shall be Trustees for and on behalf of the Government of Fort William in Bengal and of the inhabitants of Calcutta, and shall sue and be sued at Law and in Equity in Her Majesty's Supreme Court of Judicature at Fort William by the name of the Commissioners for the Improvement of the Town of Calcutta, and shall have a common seal, and shall have power to take, purchase and hold lands, tenements, hereditaments, goods, chattels and other property, as such Trustees for the purposes aforesaid.

II. And it is enacted, that whenever it shall appear to the said Commissioners, or a majority of them, that it is necessary they should purchase any houses, buildings or grounds for the purposes aforesaid, the said Commissioners shall represent the same to the Governor of Bengal, and if he shall consent thereto, but not otherwise, shall enter into treaties for the purchase of such houses, buildings or grounds with the owners thereof, and in case they shall not be able to come to agreement with such owners or the amount of compensation shall not be settled by arbitration as hereinafter provided, then the said Commissioners shall apply to the Sheriff of Calcutta to summon a Jury, and the said Sheriff shall forthwith summon a Jury in manner hereinafter mentioned, to assess the price which the said Commissioners shall pay to the said owner or owners for the purchase of such houses, buildings and grounds with all appurtenances as aforesaid.

III. And whereas it is expedient to make provision for those cases in which the said Commissioners may be able to purchase lands, buildings or tenements by agreement : it is enacted, that it shall and may be lawful for the said Commissioners to agree with the owners of any lands, buildings or tenements by this Act authorized to be taken and which shall

ACT No. XXII. OF 1847.

shall be required for the purposes of this Act, and with all parties having any estate or interest in such lands, buildings or tenements, or by this Act or by any other authority or power enabled to sell and convey the same, for the absolute purchase of any such lands, buildings or tenements, or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kindsoever.

IV. And it is enacted, that it shall and may be lawful for all parties being seized, possessed of, or entitled to any such lands, buildings or tenements, or any estate or interest therein, to sell and convey or release the same to the said Commissioners and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seized, possessed or entitled as aforesaid so to sell, convey or release (that is to say) all corporations, tenants in tail, or for life, married women seized in their own right or entitled to dower, guardians, committees of lunatics and idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession, or subject to any estate in dower, or to any lease for life or for lives, or for years, or any less interest, and the power so to sell and convey or release as aforesaid, may lawfully be exercised by all such parties not only on behalf of themselves and their respective Heirs, Executors, Administrators and Successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy after them, or in defeasance of the estates of such parties, and as to such married women whether they be of full age or not as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committee on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such Trustees, Executors and Adminis-

trators

ACT No. XXII. OF 1847.

trators on behalf of their cestui-que trusts whether infants, issue unborn, lunatics, femmes covert or other persons, and that to the same extent as such cestui-que trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability.

V. And it is enacted, that the purchase money, consideration, or compensation to be paid or given for any lands, buildings or tenements to be purchased or taken from any party under any disability, or incapacity and not having any power to sell or convey such lands except under the provisions of this Act, and the compensation to be paid for any permanent damage or injury to any such lands, buildings or tenements shall in all cases be determined by the verdict of a jury to be summoned as hereinafter provided.

VI. And it is enacted, that it shall be lawful for any person seized in fee or entitled absolutely for his own benefit to any lands, buildings or tenements authorized to be purchased for the purposes of this Act to sell and convey such lands, buildings or tenements, or any part thereof, unto the said Commissioners in consideration of an annual rent-charge payable by the said Commissioners, but except as aforesaid the consideration to be paid for the purchase of any such lands, buildings or tenements, or for any damage done thereto, shall be in a gross sum.

VII. And it is enacted, that the yearly rent reserved by any conveyance of lands, buildings or tenements purchased by the said Commissioners for the purposes of this Act shall be charged on the rates hereinafter authorized to be raised and levied, and shall be paid by the said Commissioners as such rents become payable, and if at any time any such rents be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such rent shall be payable, may recover the same from the said Commissioners

ACT No. XXII. OF 1847.

missioners with costs of suit by action of debt in the said Supreme Court.

VIII. And it is enacted, that when the said Commissioners shall require to purchase or take any of the lands, buildings or tenements which by this Act they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this Act to sell and convey or release the same or such of the said parties as shall after diligent inquiry be known to the said Commissioners, and by such notice shall demand from such parties the particulars of their estate and interest in such lands and of the claims made by them in respect thereof, and every such notice shall state the particulars of the lands so required, and that the said Commissioners are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

IX. And it is enacted, that all notices required to be served by the said Commissioners upon the parties interested in or entitled to sell any such lands, buildings or tenements shall either be served personally on such parties, or left at their last usual place of abode if any such can after diligent inquiry be found, and in case any such parties shall be absent from the said Town or cannot be found after diligent inquiry, such notices shall be left with the occupier of such lands, or if there be no such occupier shall be affixed upon some conspicuous part of such lands.

X. And it is enacted, that if the party claiming compensation desire to have the same settled by arbitration, and signify such desire by notice in writing to the said Commissioners before they have issued their warrant to the Sheriff to summon a jury in respect of such lands under the provisions hereinafter contained, stating in such notice the nature of
the

ACT No. XXII. OF 1847.

the interest in respect of which such party claims compensation, and the amount of the compensation so claimed, the same shall be so settled by arbitration accordingly, but unless the party claiming compensation shall as aforesaid signify his desire to have the question of such compensation settled by arbitration, or if when the matter shall have been referred to arbitration the arbitrators or the umpire shall for three months have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by the verdict of a jury as hereinafter provided.

XI. And it is enacted, that when any question of disputed compensation by this Act authorized or required to be settled by arbitration, shall have arisen then unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator to which two arbitrators such dispute shall be referred, and every appointment of an arbitrator shall be made on the part of the said Commissioners under the hands of two of the said Commissioners, or of their Clerk duly authorized by such two Commissioners, and on the part of any other party under the hand of such party, or if such party be a corporation aggregate under the common seal of such corporation, and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made, and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation, and if after any such dispute shall have arisen and after a request in writing in which shall be stated the matter so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last mentioned party fail within fourteen days after such service to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator may appoint such
arbitrator

ACT No. XXII. OF 1847.

arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

XII. And it is enacted, that if before the matters so referred shall be determined, any arbitrator appointed by either party shall die or become incapable to act, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he shall fail to do so, the remaining or other arbitrator may proceed to hear and determine the matters which shall be in dispute, and every arbitrator who shall be so substituted as aforesaid shall have the same power and authorities as were vested in the former arbitrator at the time of such his death or disability aforesaid.

XIII. And it is enacted, that where more than one arbitrator shall have been appointed such arbitrators shall before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this Act, and if such umpire shall die or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

XIV. And it is enacted, that if in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration, neglect to appoint an umpire, any two of the Magistrates of Calcutta shall on the application of either party to such arbitration appoint an umpire, and the decision of such umpire on the matters on which the arbitrators shall differ or which shall be referred to him under this Act shall be final.

XV. And

ACT No. XXII. OF 1847.

XV. And it is enacted, that when a single arbitrator shall have been appointed as hereinbefore provided, and such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitrators under the provisions of this Act in the same manner as if such arbitrator had not been appointed.

XVI. And it is enacted, that if where more than one arbitrator shall have been appointed either of the arbitrators refuse, or for seven days after the day of his appointment shall neglect to act, the other arbitrator may proceed to hear and determine the matters in dispute, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

XVII. And it is enacted, that if where more than one arbitrator shall have been appointed and where neither of them shall refuse or neglect to act as aforesaid, but such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time, (if any) as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

XVIII. And it is enacted, that the said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath or solemn affirmation, and administer the oaths and solemn affirmation necessary for that purpose.

XIX. And it is enacted, that before any such arbitrator or umpire as aforesaid shall enter into the consideration of any matters referred to him he shall in the presence of a Magistrate of Calcutta make and subscribe the following declaration, that is to say—

I, A. B.,

ACT No. XXII. OF 1847.

I, A. B., do solemnly and sincerely declare that I will faithfully and honestly to the best of my skill and ability hear and determine the matters referred to me under the provisions of the Act XXII. of 1847

A. B.

Made and subscribed

in the presence of

C. D.

And such declaration shall be annexed to the award when made, and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto, he shall be deemed guilty of a misdemeanour.

XX. And it is enacted, that all the costs of any such arbitration and incident thereto, shall be settled by the said arbitrators and shall be borne by the said Commissioners, unless the arbitrators shall award the same or a less sum than shall have been offered by the said Commissioners in which case each party shall bear their own costs incident to the said arbitration, and the costs of the said arbitrators shall be borne by the parties in equal proportions.

XXI. And it is enacted, that the said arbitrators or the said umpire as the case may be, shall deliver their award in writing to the said Commissioners, and the said Commissioners shall retain the same, and on demand made at the office of their Clerk shall forthwith at their own expense furnish a copy thereof to the other party to the arbitration, and shall at all reasonable times when thereunto required produce the said award and allow the same to be inspected or examined at the office of their said Clerk by such party or any person appointed by him for that purpose.

XXII. And it is enacted, that the submission to any such arbitration as aforesaid may be made a rule of the said Supreme Court on the application of either or any party thereto, and may be enforced against all necessary parties by any rule, order or decree of the said Court notwithstanding

ACT No. XXII. OF 1847.

withstanding that any or either of the said parties are not otherwise subject to the jurisdiction of the said Court.

XXIII. And it is enacted, that no award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

XXIV. And it is enacted, that in every case in which a dispute or difference shall arise between the said Commissioners, and any person or persons whose property they may intend or desire to purchase for the purposes of this Act as to the amount of compensation to be paid for the said property which difference and dispute either of the said parties shall refuse to settle by arbitration the said Commissioners shall issue a warrant in writing signed by any one of them and sealed with their common seal to the Sheriff of Calcutta, requiring him to summon a jury for the purpose of settling the said difference or dispute; and if such Sheriff be interested in the matter in dispute such warrant shall be addressed and sent to the Coroner of Calcutta, and if the said Sheriff and the said Coroner be both of them interested in the said matter then the said warrant shall be addressed and sent to the last person who shall have filled the office of Sheriff of Calcutta who is not interested in the said matter and who is at the time of the issuing the said warrant an inhabitant of the said Town of Calcutta, and every such Sheriff, Coroner, or Ex-Sheriff shall have power if he think fit to appoint a Deputy or Assessor.

XXV. And it is enacted, that throughout the enactments contained in this Act relative to a reference to a jury where the term Sheriff is used the provisions applicable thereto shall be held to apply to every Coroner or other person lawfully acting in the place of the Sheriff, and in every case in which any such warrant as aforesaid shall have been directed to any other person than the said Sheriff of Calcutta, such
Sheriff

ACT No. XXII. OF 1847.

Sheriff shall immediately on receiving notice of the delivery of the warrant on application being made to him for that purpose deliver over to the person to whom the said warrant shall have been directed, or to any other fit and proper person appointed by him to receive the same the Jurors' book and Special Jurors' list for the Town of Calcutta.

XXVI. And it is enacted, that upon the receipt of such warrant as aforesaid the Sheriff shall summon a jury of ten indifferent persons duly qualified to act as common jurymen in Her Majesty's Supreme Court of Judicature aforesaid, to meet at a convenient time and place to be appointed by him for that purpose, such time not being less than fourteen nor more than twenty-one days after the receipt of such warrant, and such place not being more than two miles from the lands, buildings or tenements concerning and relating to which the said difference or dispute shall have arisen unless by consent of the parties interested some other time and place be agreed upon and settled, and the said Sheriff shall forthwith give notice to the said Commissioners of the time and place so appointed by him.

XXVII. And it is enacted, that out of and from the number of jurors appearing upon such summons as aforesaid, a jury of five persons shall be drawn by the said Sheriff in such number and form as juries for trials of offences before the said Supreme Court are by the rules and orders of the said Court required to be drawn, and if a sufficient number of the jurymen so summoned as aforesaid do not appear in obedience to such summons as aforesaid the Sheriff shall return other indifferent men duly qualified as aforesaid of the bye-standers or others that can speedily be procured to make up the jury to the said number of five persons, and the said Commissioners and all other parties interested in the said lands, buildings or tenements may have and make their challenges against any of the said jurymen according to the course and practice of the said Supreme

ACT No. XXII. OF 1847.

Supreme Court, but neither the said Commissioners nor any of the said parties interested as aforesaid shall challenge the array.

XXVIII. And it is enacted, that in every such inquiry as aforesaid the said Sheriff shall preside, and the party or parties claiming compensation from the said Commissioners shall be deemed the plaintiff or plaintiffs, as the case may be, and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law in the Court of Queen's Bench at Westminster, and if the said Commissioners or any persons interested in the said lands, buildings or tenements so request in writing, the said Sheriff shall summon before him, any person who shall by the said Commissioners, or any person interested as aforesaid be considered necessary to be examined as a witness touching the matters in question, and on the like request the said Sheriff shall order the said jury to view the place or matter in controversy in like manner as views may be had in the trial of actions at law in the Court of Queen's Bench at Westminster.

XXIX. And it is enacted, that if the said Sheriff make default in any matter hereinbefore required to be done by him in relation to any such trial or inquiry as aforesaid, he shall forfeit and pay the sum of Five Hundred Rupees for every such offence, and such penalty shall be recoverable by the said Commissioners by an action of debt or on the case in the said Supreme Court, and if any person summoned or returned upon any jury under this Act, whether common or special, do not appear, or if appearing do refuse to make such lawful oath or affirmation as the said Sheriff may require, or in any other manner wilfully neglect his duty, he shall unless he shew reasonable excuse for the said default or neglect to the satisfaction of the said Sheriff forfeit a sum not exceeding One Hundred Rupees, and every such penalty as aforesaid payable by a Sheriff or juryman as aforesaid shall be applied in satisfaction of the costs of the said inquiry so far as the same will extend, and
in

ACT No. XXII. OF 1847.

in addition to the penalty hereby imposed as aforesaid every such juryman shall in all respects be subject to the same regulations, pains and penalties as if such jury were returned for a trial in the said Supreme Court.

XXX. And it is enacted, that if any person who shall have been duly summoned to give evidence upon any such enquiry, and to whom a tender of his reasonable expences shall have been made fail to appear at the time and place specified in the summons without sufficient cause, or if any person whether summoned or not who shall appear as a witness on any such inquiry refuse to be examined on oath or affirmation touching the subject matter in dispute every person so offending shall forfeit and pay to the party aggrieved thereby a sum not exceeding One Hundred Rupees, and that any person examined on oath or affirmation touching the subject matter in dispute who shall wilfully and falsely state any matter which if wilfully and falsely stated by such person in any Court of Justice in which such subject matter might be in dispute, would amount to wilful and corrupt perjury, shall be guilty of wilful and corrupt perjury.

XXXI. And it is enacted, that the said Commissioners shall give to all parties interested in any lands, buildings, or tenements concerning or relating to which an inquiry hath been appointed to be held by the said Sheriff notice of the time and place of such inquiry, not less than ten days before the same is to be held, and the said notice shall be in writing, and shall be served on each of the said parties personally or left at his last known place of abode in the said Town, or if he have no such place of abode then the said notice of every such person shall be twice publicly advertised in one or more of the Newspapers published within the said Town.

XXXII. And it is enacted, that if at any such inquiry any party claiming compensation shall fail to appear in person or by his Counsel or

D

Agent,

ACT No. XXII. OF 1847.

Agent, such inquiry shall not be proceeded with so far as concerns the compensation claimed by such absent party, but the compensation to be paid by the said Commissioners to such absent party shall be settled and determined by a Surveyor to be named and appointed by any two of the Magistrates of Calcutta without prejudice to such inquiry then and there proceeding before such Sheriff so far as concerns any compensation claimed by any other party or parties interested in such compensation in respect of the same premises who shall so appear.

XXXIII. And it is enacted, that before any jury shall proceed on any such inquiry as aforesaid to inquire of and assess compensation or damages in respect of which their verdict is to be given they shall make oath, or if they object to make oath they shall make a solemn affirmation that they will truly and faithfully enquire of and assess such compensation or damages, and the said Sheriff shall administer such oaths and affirmations as well as the oaths and affirmations of all persons called upon to give evidence.

XXXIV. And it is enacted, that where such inquiry as aforesaid shall relate to the value of any lands, buildings, or tenements to be purchased, and also to compensation claimed for injury done or to be done to any other lands, buildings, or tenements held therewith the jury shall deliver their verdict separately for the sum of money to be paid for the purchase of the lands, buildings, or tenements required by the said Commissioners, or of any interest therein belonging to the party or parties with whom the question of disputed compensation shall have arisen, or which under the provisions herein contained he is enabled to sell or convey, and for the sum of money to be paid by way of compensation for the damage if any sustained or to be sustained by the said party or parties by reason of the severing of the lands, buildings, or tenements taken from the other lands, buildings, or tenements of the said party or parties, or otherwise injuriously affecting such last mentioned lands, buildings or tenements by the exercise of the powers conferred by this Act.

XXXV. And

ACT No. XXII. OF 1847.

XXXV. And it is enacted, that the Sheriff before whom such inquiry as aforesaid shall be held shall give judgment for the purchase money or compensation assessed by such jury as aforesaid, and the verdict and judgment shall thereupon be signed by such Sheriff, and being so signed shall be delivered to and kept by the Keeper of the Records in the said Supreme Court among the Records of the said Supreme Court, and such verdicts and judgments shall be deemed Records, and the same or true copies or exemplifications thereof shall be good evidence in all Courts, and elsewhere, and all persons may inspect the said verdicts and judgments, and may have copies or exemplifications thereof, or extracts therefrom, on paying for each inspection of any such verdict and judgment the sum of Eight Annas, and for every one hundred words copied or extracted therefrom Four Annas, which copies, exemplifications or extracts the said Keeper of the Records is hereby required to make out and sign and certify the same to be true.

XXXVI. And it is enacted, that on every such inquiry before a jury as aforesaid where the verdict of the jury shall be given for a greater sum than the sum previously offered by the said Commissioners all the costs of such inquiry shall be borne by the said Commissioners, but if the verdict of the jury shall be for the same or a less sum than the sum previously offered by the said Commissioners one-half of the costs of summoning, impanelling and returning the jury, and of taking the inquiry and recording the verdict and judgment thereon shall be defrayed by the parties claiming the said compensation or purchase money, and the other half by the said Commissioners, and each party shall bear his own costs other than as aforesaid incident to such inquiry.

XXXVII. And it is enacted, that the costs of any such inquiry as aforesaid shall in case of differences arising regarding the same be settled by the Taxing Officer of the said Supreme Court on the application of either party, and such costs shall include all reasonable costs, charges

ACT No. XXII. OF 1847.

charges and expences incurred in summoning, returning and impanelling the jury taking the inquiry, the attendance of witnesses, the employment of Counsel and Attornies, the recording the verdict and judgment thereon and otherwise incident to such inquiry.

XXXIII. And it is enacted, that if any such costs shall be payable by the said Commissioners, and if within seven days after demand duly made at the Office of the Clerk of the said Commissioners such costs be not paid to the party entitled to receive the same they may and shall be recoverable by distress, and on application to any Magistrate of Calcutta he shall issue his warrant accordingly, and if any such costs shall be payable by the owner of any lands, buildings, or tenements, or if any interest therein the same may be deducted and retained by the said Commissioners out of any money awarded by the jury to such owner or determined by the valuation of a Surveyor under the provision hereinafter contained, and the payment or deposit of the remainder, if any of such money shall be deemed payment and satisfaction of the whole thereof, or if such costs shall exceed the amount of the money so awarded or determined the excess may and shall be recoverable by distress, and on application to any Magistrate of Calcutta he shall issue his warrant accordingly.

XXXIV. And it is enacted, that if either party in such case of disputed compensation as aforesaid desire such question to be tried before a special jury, such question shall be so tried, provided that notice of such desire if given by the other party be given to the said Commissioners before they have issued their warrant as aforesaid to the Sheriff and for that purpose the said Commissioners shall by their warrant to the Sheriff require him to nominate a special jury of five jurors for such trial, and thereupon the Sheriff shall as soon as conveniently may be after the receipt by him of such warrant summon the said Commissioners and the said other party to appear before him by themselves or their Attornies at some convenient time and place to be appointed by him for the purpose of

of

ACT No. XXII. OF 1847.

of nominating a special jury (not being less than five nor more than eight days from the service of such summons) and at the time and place so appointed the said Sheriff shall proceed to nominate and strike a special jury in the manner in which such juries shall be required by the Rules and Orders of the said Supreme Court for trials in the said Court, except as far as such Rules may be inconsistent with the number of which the juries under this Act are to consist, and the said Sheriff shall appoint a day not later than the eighth day after the striking of such jury for the parties or their agents to appear before him to reduce the number of such jury, and thereof shall give four days notice to the said Commissioners, and the said other party, and on the day so appointed the Sheriff shall proceed to reduce the said special jury to the number of eight in the manner used and accustomed in the said Supreme Court.

XL. And it is enacted, that the special jury on such inquiry as last aforesaid shall consist of five of the said eight who shall first appear on the names being called over, the said Commissioners and the said other party having respectively their lawful challenges against any of the said jurymen, and if a full jury of five do not appear and if after such challenges a full jury of five do not remain then upon the application of the said Commissioners or of the said other party, the Sheriff shall add to the list of such jury the names of any other disinterested persons qualified to act as special or common jurymen in the said Supreme Court who shall not have been previously struck off the aforesaid list, and who may be then in attendance before the said Sheriff, or can speedily be procured so as to complete such special jury, the said Commissioners and the said other party having respectively their lawful challenges against such persons, and the Sheriff shall proceed to the trial and adjudication of the matters in question by such jury, and such trial shall be attended in all respects with the like incidents and consequences, and the like penalties shall be applicable as hereinbefore provided in the case of a trial by a common jury.

XLI. And

ACT No. XXII. OF 1847,

XLI. And it is enacted, that any other inquiry than that for the trial of which such special jury may have been struck and reduced as aforesaid may be tried by such jury provided the said Commissioners and all the other parties interested therein respectively shall give their consent to such trial.

XLII. And it is enacted, that where the purchase money or compensation to be paid by the said Commissioners for any lands, buildings or tenements to be purchased or used by the said Commissioners shall be payable to any person who by reason of absence from the Presidency of Bengal is prevented from treating, or who cannot after diligent inquiry be found, or who shall not appear at the time appointed for the inquiry before the jury as hereinafter provided after due notice thereof given to him, such purchase money or such compensation to be paid for any permanent injury to such lands, buildings or tenements shall be such as shall be determined by the valuation of such able practical Surveyor as two of the Magistrates of Calcutta aforesaid shall nominate for that purpose as hereinafter provided.

XLIII. And it is enacted, that upon application of the said Commissioners two of the Magistrates of Calcutta aforesaid, and upon such proof as shall be satisfactory to them that any such party is by reason of absence prevented from treating, or cannot after diligent inquiry be found, or that such party failed to appear on such inquiry before a jury as aforesaid after due notice given to him for that purpose, such Magistrates shall by writing under their hands nominate an able practical Surveyor, approved by the said Commissioners, to determine the amount of such purchase money or compensation as aforesaid, and such Surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing signed by him of the correctness thereof.

XLIV. And

ACT No. XXII. OF 1847.

XLIV. And it is enacted, that before any such Surveyor shall enter upon the duty of making such valuation as aforesaid he shall in the presence of such Magistrates or one of them, make and subscribe the declaration following at the foot of such nomination by the said Magistrates as aforesaid, that is to say—

I, A. B., do solemnly and sincerely declare, that I will faithfully, impartially and honestly, according to the best of my skill and ability execute the duty of making the valuation hereby referred to me.

A. B.

Made and subscribed
in the presence of

C. D.

And if any such Surveyor shall corruptly make such declaration, or having made such declaration, shall wilfully act contrary thereto he shall be deemed guilty of a misdemeanour.

XLV. And it is enacted, that the said nomination and declaration shall be annexed to the valuation to be made by such Surveyor and shall be preserved together therewith by the Clerk to the said Commissioners, and he shall at all reasonable times produce at his office the said valuation and other documents on demand to the owner of lands, buildings or tenements comprized in such valuation and to all other parties interested therein.

XLVI. And it is enacted, that in estimating the purchase money or compensation to be paid by the said Commissioners in any of the cases aforesaid regard shall be had by the Magistrates, Arbitrators or Surveyors, as the case may be, not only to the value of the lands, buildings or tenements to be purchased by the said Commissioners, but also to the damage if any to be sustained by the owners of the lands, buildings or tenements by reason of the severing of the said lands, build-
ings

ACT No. XXII. OF 1847.

ings or tenements taken from other lands; buildings or tenements of such owner, or otherwise injuriously affecting such other lands, buildings or tenements by the exercise of the powers of this Act.

XLVII. And it is enacted, that where the compensation payable in respect of any lands, buildings or premises, or any interest therein, shall have been ascertained by the valuation of a Surveyor and deposited as hereafter provided by reason that the owner of or party entitled to convey such lands, buildings and tenements, or such interest therein as aforesaid, could not be found or was absent, and such owner or party shall be dissatisfied with such valuation it shall be lawful for him before he shall have applied as hereinafter provided for payment or investment of the monies so deposited under the provisions herein contained, by notice in writing to the said Commissioners to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted accordingly in the same manner as in other cases of disputed compensation hereinbefore authorized or required to be submitted to arbitration.

XLVIII. And it is enacted, that the question to be submitted to the arbitrators in the case last aforesaid shall be whether the said sum so deposited as aforesaid by the said Commissioners was a sufficient sum, or whether any and what further sum ought to be paid or deposited by them.

XLIX. And it is enacted, that if the arbitrators shall award a further sum to be paid or deposited by the said Commissioners they shall pay or deposit, as the case may require, such further sum within fourteen days after the making of such award, or in default thereof the same may be recovered with cost by action or suit in the said Supreme Court.

L. And

ACT No. XXII. OF 1847.

L. And it is enacted, that if the arbitrators shall determine that the sum so paid or deposited was sufficient the costs of and incident to such arbitration to be determined by the arbitrators, shall be in the discretion of the arbitrators, but if the arbitrators shall determine that a further sum ought to be paid or deposited by the said Commissioners all the costs of and incident to the arbitration shall be borne by the said Commissioners.

LI. And it is enacted, that if any party shall be entitled to any compensation in respect of any lands, buildings or tenements, or of any interest therein which shall have been taken for or injuriously affected by the execution of the works of the said Commissioners, and for which the said Commissioners shall not have made satisfaction under the provisions of this Act, such party may have the same settled either by arbitration or by the verdict of a jury as he shall think fit; and if the said party desire to have the same settled by arbitration it shall be lawful for him to give notice in writing to the said Commissioners of such his desire, stating in such notice the nature of the interest in such lands, buildings or tenements in respect of which he claims compensation and the amount of the compensation so claimed therein, and unless the said Commissioners be willing to pay the amount of the compensation so claimed, and shall enter into a written agreement for that purpose within twenty-one days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner herein provided; or if the party so entitled as aforesaid desire to have such question of compensation settled by jury it shall be lawful for him to give notice in writing of such his desire to the said Commissioners, stating such particulars as aforesaid, and unless the said Commissioners be willing to pay the amount of compensation so claimed and enter into a written agreement for that purpose, they shall within twenty-one days after the receipt of such notice issue their warrant to the Sheriff to summon a jury for settling the same in the manner herein provided, and in default thereof
they

ACT No. XXII. OF 1847.

they shall be liable to pay to the party so entitled as aforesaid the amount of the compensation so claimed, and the same may be recovered by him by action of debt or on the case in the said Supreme Court.

LII. And it is enacted, that so soon as the amount of the purchase money or compensation to be paid by the said Commissioners in respect of any lands, houses, tenements, or hereditaments, or any interest therein, shall be ascertained, fixed, awarded or settled in any of the modes sanctioned and appointed by this Act as aforesaid, if the said lands, houses, tenements, or hereditaments shall have been purchased or taken by the said Commissioners from any person or persons not entitled to sell or convey the same except under the provisions of this Act as being tenant for life or in tail, married women, guardian, committee, trustee, executor or administrator, or person having a partial or qualified interest therein, or who shall refuse to accept such purchase money or compensation, or neglect or fail to make out a title to such lands, houses, tenements, or hereditaments, or to the interest therein claimed by him to the satisfaction of the said Commissioners, or shall refuse to convey or release the same, or shall be absent from the Presidency of Bengal, or cannot after diligent enquiry be found, the said Commissioners are hereby empowered and required forthwith to invest the said purchase money or amount of compensation in some of the Securities or Promissory Notes of the East India Company, commonly called Company's Paper, at the current price of the day, and to deposit the same with the Government Agent at Fort William aforesaid in the name and with the privity of the Accountant General of the said Supreme Court to be placed by him to the account of such Accountant General to the credit of the parties interested, or who may be or become interested in such lands, houses, tenements, or hereditaments, describing both them and the said parties so far as the said Commissioners can do pursuant to the course of proceeding in the said Court under the Rules, Orders and Regulations of the said Court, regarding monies paid into the

ACT No. XXII. OF 1847.

the said Court in matters and causes depending before it on its Equity side, and such Securities shall remain so deposited and the interest thereon shall be regularly received by the said Government Agent and credited to the said account, and when and so often as the said interest so received by the said Government Agent shall amount to a sufficient sum for that purpose such interest shall be invested by the said Government Agent from time to time in other such Securities as aforesaid, and such monies, principal and interest, shall remain so invested and deposited until the same be applied under the authority of the said Court upon the petition of the party who would have been entitled to the rents and profits of the lands, houses, tenements, and hereditaments in respect of which such monies shall have been deposited to some one or more of the following purposes, that is to say—In the discharge of any debt or incumbrance affecting the lands, tenements, and hereditaments in respect of which such money shall have been paid or affecting other lands settled therewith to the same, or the like uses, trusts or purposes, or in the purchase of other lands, tenements, or hereditaments to be conveyed, limited and settled upon the like uses, trusts and purposes, and in the same manner as the lands, tenements, or hereditaments in respect of which such money shall have been paid, stood settled, or if such money shall be paid in respect of any buildings taken under the authority of this Act, or injured by the proximity of the works in removing or replacing such buildings or substituting others in their stead, or in payment to any person who shall become absolutely entitled to such money, and until such monies can or shall be so applied, the interest, dividends and annual proceeds of such Company's Paper shall and may upon the like petition and order be paid to the party or parties who would for the time being have been entitled to receive the rents and profits of the said lands, houses, tenements, and hereditaments.

LIII. And

ACT No. XXII. OF 1847.

LIII. And it is enacted, that where any purchase money or compensation paid as aforesaid under the provisions of this Act shall have been paid in respect of any lease for a life or lives, or years, or any estate in lands, tenements or hereditaments less than the whole fee simple thereof, or in respect of any reversion dependent on any such lease or estate, it shall be lawful for the said Supreme Court on the petition of any party interested in such money to order that the same shall be laid out, invested, accumulated and paid in such manner as the said Court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate or reversion in respect of which such money shall have been paid or as near thereto as may be.

LIV. And it is enacted, that upon payment or deposit in manner hereinbefore mentioned of the purchase money or compensation agreed or awarded to be paid in respect of any lands, tenements, or hereditaments purchased or taken by the said Commissioners under the provisions of this Act, the owners of and all parties by this Act enabled to sell or convey such lands, tenements, and hereditaments shall when required so to do by the said Commissioners, duly convey such lands to the said Commissioners, or as they shall direct, and in default thereof, or if such party fail to adduce a good title to such lands, tenements, and hereditaments to the satisfaction of the said Commissioners it shall be lawful for the said Commissioners if they think fit to execute a deed of sale under their common seal, containing a description of the lands, tenements, and hereditaments in respect of which such default shall be made, and reciting the purchase or taking thereof, and the names of the parties from whom the same were purchased or taken, and the payment made in respect thereof, and declaring the fact of such default having been made, and thereupon all the estate and interest in such lands, tenements, and hereditaments of, or capable of being sold and conveyed by the party
with

ACT No. XXII. OF 1847.

with whom the said Commissioner shall have made such agreement, or to whom such purchase money or compensation shall have been awarded by a jury or by arbitrators, or by a Surveyor appointed by any Magistrate or Magistrates, or as hereinbefore provided shall vest absolutely in the said Commissioners, and as against such parties and all parties on behalf of whom they are hereinbefore enabled to sell and convey the said Commissioners shall be entitled to immediate possession of such lands, tenements, and hereditaments.

LV. And it is enacted, that if the owner of any such lands, tenements, and hereditaments purchased or taken by the said Commissioners, or of any interest therein, on tender of the purchase money or compensation agreed or awarded to be paid in respect thereof, shall refuse to accept the same, or neglect or fail to make out a title to such lands, tenements, and hereditaments, or to the interest therein claimed by him to the satisfaction of the said Commissioners, or if he refuse to convey or release such lands, tenements, and hereditaments as directed and required by the said Commissioners, or if any such owner be absent from the Presidency of Bengal, or cannot after diligent inquiry be found or fail to appear on the inquiry before a jury as hereinbefore provided, it shall be lawful for the said Commissioners to place the purchase money or compensation payable in respect of such lands, tenements, and hereditaments, or any interest therein to the credit of the parties interested in such lands, tenements, and hereditaments (the said parties being described so far as the said Commissioners can describe them) subject to the controul and disposition of the said Supremè Court, and it shall be lawful for the said Commissioners if they shall think fit to execute a deed of sale under their common seal containing a description of the lands, tenements, and hereditaments in respect whereof such purchase money or compensation shall have been placed to credit, and declaring the circumstances under which and the names of the parties to whose credit

ACT No. XXII. OF 1847.

such purchase money or compensation shall have been placed, and thereupon all the estate and interest in such lands, tenements, and hereditaments of the parties for whose use and in respect whereof such purchase money or compensation shall have been placed to credit, shall vest absolutely in the said Commissioners and as against such parties they shall be entitled to immediate possession of such lands, tenements, and hereditaments^c.

LVI. And it is enacted, that upon the application by petition of any party making claim to the money so placed to credit as last aforesaid, or any part thereof, or to the lands, buildings, or tenements in respect whereof the same shall have been so placed to credit, or any part of such lands, buildings, or tenements, or any interest in the same the said Supreme Court on its Equity side may in a summary way as to the said Court shall seem fit, order such money to be laid out or invested in Company's Paper and deposited as aforesaid with the said Government Agent, and may order distribution thereof or payment of the interest thereof according to the respective estates, titles or interests of the parties making claim to such money, lands, buildings, or tenements, or any part thereof, and may make such other order in the premises as to the said Court shall seem just.

LVII. And it is enacted, that the said Commissioners shall not be deemed necessary or competent parties to any such proceeding in the said Supreme Court, but that due notice shall be given according to the course and practice of the said Court in matters before it by summary petition by the party or parties petitioning to all other parties interested to whom it shall be competent to appear in such summary suit to defend and maintain their respective right and interests.

LVIII. And it is enacted, that the said Commissioners may with
the

ACT No. XXII. OF 1847.

the consent of the said Governor sell and dispose of any lands or tenements vested in them by virtue of this Act, or any part thereof either together or in parcels as they may find most convenient and advantageous and the money to arise and to be produced by such sale shall be applied to such of the purposes of this Act or Act No. XVI. of 1847, as the said Commissioners shall think fit, and the purchaser of such lands or tenements shall not be answerable or accountable for any misapplication or non-application of such purchase money; and for the completing and carrying any such sale into effect the said Commissioners may make and execute a conveyance of the lands and tenements sold and disposed of as aforesaid unto the purchaser thereof and such conveyance shall be under the common seal of the said Commissioners.

LIX. And it is enacted, that in every conveyance of lands to be made by the said Commissioners under this Act the word “grant” shall operate as express covenants by the said Commissioners for themselves and their successors with the respective grantees therein named, and their Successors, Heirs, Executors, Administrators or Assigns, as the case may be, according to the quality and nature of such grants, and of the estate or interest therein expressed to be thereby conveyed as follows except as far as the same shall be restrained or limited by express words contained in any such conveyance (that is to say) A covenant that notwithstanding any act or default done by the said Commissioners, they were at the time of the execution of such conveyance under and by virtue of the provisions of this Act possessed of the lands or promises granted thereby for an indefeasible estate of inheritance in fee simple free from all encumbrances done or occasioned by them or otherwise for such estate or interest as therein expressed to be thereby granted free from encumbrances done or occasioned by them.

LX. And in order to raise money for defraying the expences incurred

ACT No. XXII. OF 1847.

red or to be incurred by the said Commissioners in carrying into effect the provisions of this Act or of Act No. XVI. of 1847 it is enacted, that it shall be lawful for the said Commissioners, and they are hereby authorized subject in each case to the approval of the Governor aforesaid to be signified in writing, to borrow and take up at interest on the credit of the rates, taxes and duties authorized to be made, levied and received by the said Commissioners from any person who shall be willing to advance the same the sum and sums of money necessary for defraying the costs, charges and expences incurred or to be incurred by the said Commissioners in carrying into effect with the least possible delay the provisions of this Act or of Act No. XVI. 1847, and for securing the repayment of such sum or sums of money with such interest thereon as shall be agreed upon between the said Commissioners, and the person or persons lending or advancing the same, the said Commissioners may mortgage and assign over the said rates, taxes, tolls and duties, or any part thereof to the person or persons who shall advance such money, or to a Trustee or Trustees on his or their behalf as security for the money so to be borrowed, together with interest upon the same, and no assessment, tax, toll or duty over which any such mortgage shall have been granted shall be repealed in whole or in part until such mortgage shall be paid off unless by the consent in writing of such mortgagee.

LXI. And it is enacted, that in order to discharge the principal money of any such sum or sums of money as shall be borrowed on security of the assessments, taxes and duties aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and required yearly and every year to deduct, appropriate and set apart, and apply out of the rates aforesaid such a sum of money as shall be in proportion to one-thirtieth part of the money borrowed or secured, and which at that time shall remain due and secured as aforesaid upon the said assessments, taxes and duties as and for a Sinking Fund to be applied in paying off and
discharging

ACT No. XXII. OF 1847.

discharging the principal monies so borrowed or secured, and from time to time cause the amount of such Sinking Fund to be invested in the Securities of the East India Company called Company's Paper and such Company's Paper to be deposited from time to time in the hands of the Government Agent, who is hereby empowered and required to increase the same by investing the interest payable thereon as the same shall become due and payable in the purchase of other Company's Paper, and so on from time to time so that the said Sinking Fund shall accumulate at compound interest until the same shall be of sufficient amount to pay off the said principal debts, or one of them or some part of some one of them at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

LXII. And it is enacted, that every mortgage of assessments, taxes and duties authorized to be made under the provisions of this Act shall be by deed in which the consideration shall be truly stated, and every such deed shall be under the common seal of the said Commissioners, and signed by three of them at the least at one of their annual, quarterly or special meetings and may be according to the form in the Schedule [A] to this Act annexed, or to the like effect, and the respective mortgagees shall be entitled one with another to their respective proportions of the assessments, taxes, tolls and duties comprised in such mortgages according to the respective sums which in such mortgages are mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced with interest without any preference one above another by reason of priority of advance, or of the date of any such mortgage respectively.

LXIII. And it is enacted, that the expenses of every mortgage shall from time to time be defrayed by the said Commissioners out of the money raised by the same.

H

LXIV. And

ACT No. XXII. OF 1847.

LXIV. And it is enacted, that a Register of all the said mortgages shall be kept by the Clerk of the said Commissioners, and within fourteen days after the date of any mortgage an entry or memorial specifying the number and date of such mortgage, and the sum secured thereby and the names of the parties thereto with their proper additions shall be made in the said Register, and the said Register may be perused at all reasonable times by any mortgagee or by any person interested in any such mortgage without fee or reward.

LXV. And it is enacted, that from time to time any party entitled to any such mortgage may transfer his right and interest therein to any other person, and every such transfer shall be by deed wherein the consideration shall be truly stated, and every such transfer may be according to the form in the Schedule B to this Act annexed or to the like effect.

LXVI. And it is enacted, that within thirty days after the date of every such transfer if executed within the territories subject to the Government of the East India Company, or otherwise, within thirty days after the arrival thereof within the said territories, it shall be produced to the said Clerk, and thereupon the said Clerk shall make an entry or memorial thereof in the Register aforesaid in the same manner as in the case of an original mortgage, and for such entry the said Clerk may demand and receive a fee not exceeding Two Rupees, and after such entry every such transfer shall entitle the transferee, his Executors, Administrators and Assigns to the full benefit of the original mortgage, and the principal and interest secured thereby, and such transferee may in like manner assign or transfer the same again and toties quoties, and it shall not be in the power of any person except the person to whom the said mortgage shall have been last transferred, his Executors, or Administrators or Assigns to make void, release or discharge the original mortgage, or the monies due thereon or secured thereby.

LXVII. And

ACT No. XXII. OF 1847.

LXVII. And it is enacted, that from and after the payment or satisfaction of all the principal and interest of monies secured by any mortgage made under the powers of this Act all the estate, property, right and interest by such mortgage vested in the mortgagee, his Heirs, Executors, Administrators or Assigns shall without any transfer or release or any other act or deed whatsoever immediately cease and determine.

LXVIII. And in order that no undue preference may be given in paying off any mortgages it is enacted, that whenever the said Commissioners shall be enabled to pay off one or more out of the number of the said mortgages, or a part of the money secured on any such mortgage, they shall decide the order in which such mortgages shall be paid off by lot or ballot, and shall cause a notice signed by their Clerk to be given to the person entitled to the money to be paid off pursuant to such lot or ballot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid together with the interest due thereon, at the office of the Clerk of the said Commissioners on a day and at an hour to be specified at the expiration of six months from the date of giving such notice.

LXIX. And it is enacted, that the said Commissioners may if they think proper fix a period for the repayment of the whole of the principal money borrowed on any one mortgage under the provisions of this Act with the interest thereon, and in such case the said Commissioners shall cause such period to be inserted in the mortgage deed, and upon the expiration of such period the said principal sum, together with the arrears of interest thereon, shall on demand be paid to the party entitled to receive such principal sum and interest, and if no other place of payment be inserted in such mortgage deed such principal and interest shall be payable at the office of the Clerk of the said Commissioners.

LXX. And

ACT No. XXII. OF 1847.

LXX. And it is enacted, that if no time be fixed in the mortgage deed for the repayment of the money so borrowed the party entitled to receive such money may at the expiration, or at any time after the expiration of twelve months from the date of such mortgage, demand payment of the principal sum thereby secured, with all arrears of interest upon giving six months previous notice for that purpose, and in the like case the said Commissioners may at any time pay off the money borrowed on giving the like notice, and every such notice shall be in writing or print; or partly in writing and partly in print, and if given by a mortgagee or creditor shall be delivered to the Clerk aforesaid or left at his office and if given by the said Commissioners shall be given either personally to such mortgagee or creditor, or left at his residence, or if his present residence be not known then at his last known place of abode, or if such mortgagee or creditor be unknown to the said Commissioners, or cannot be found after diligent inquiry and his last place of abode be unknown such notice shall be given by advertisement in the Calcutta Government Gazette, and once in each of three successive weeks in two of the Calcutta Newspapers.

LXXI. And it is enacted, that if the said Commissioners shall have given notice in terms of this Act of their intention to pay off any such mortgage then at the expiration of such notice all further interest shall cease to be payable on such mortgage unless demand of payment be made pursuant to such notice, and unless on such demand being duly made the said Commissioners shall fail to pay the principal and interest then due on such mortgage.

LXXII. And it is enacted, that it shall be lawful for any mortgagee or other person entitled to receive payment of the money secured by any such mortgage to enforce the payment of the principal money and interest due thereon by applying for the appointment of a Receiver in the manner hereinafter provided, but in order to authorize the appointment
of

ACT No. XXII. OF 1847.

of such Receiver the amount of money owing to the mortgagee or mortgagees, or creditor or creditors by whom the application is made shall not be less than Ten Thousand Rupees.

LXXIII. And it is enacted, that if within six months after the principal money or any interest owing upon any such mortgage has become payable and after demand thereof in writing the same be not paid the mortgagee or other creditor as aforesaid (without prejudice to his right to sue for such principal money, together with all arrears of interest in any competent Court or Courts of Law or Equity) may if his debt amount to the sum of Ten Thousand Rupees alone, or, if his debt does not amount to that sum, in conjunction with other mortgagees whose debts being so in arrears after demand as aforesaid shall, together with his amount to the said sum, require the appointment of a Receiver by an application to be made as hereinafter provided.

LXXIV. And it is enacted, that every application for a Receiver shall be made to one or more Justices of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, and on any such application it shall be lawful for such Justice or Justices by order in writing after hearing the parties to appoint a fit and proper person to receive the whole or a competent part of the rates and assessments, and to apply the same to the payment of such interest or principal and interest as the case may be, together with all costs, including the charges of receiving the rates and assessments until the said principal and interest, together with all such costs and charges be fully paid, and upon such appointment being made all such rates and assessments as aforesaid shall be paid to and received by the person so appointed who is hereby empowered to give good and sufficient discharges for the same, and the money so to be received shall be so much money received by or to the use of the party to whom such interest or such principal and interest, as the case may be,

ACT No. XXII. OF 1847.

be, shall be then due, and on whose behalf such Receiver shall have been appointed, and after such interest and costs, or such principal, interest and costs have been so received, the power of such Receiver shall cease.

SCHEDULE A.

FORM OF MORTGAGE DEED.

Mortgage No. Rupees . By virtue of the Acts of the
Legislative Council No. XVI. and No. XXII. of 1847. We the Commis-
sioners appointed and acting under and by authority of the said Acts,
in consideration of the sum of Co.'s Rupees paid to us by
A. B. of do hereby assign unto the said A. B., his
Executors, Administrators and Assigns, all the rates and sums of money
arising in the Town of Calcutta by virtue of the said Acts, and all the
estate, right, title and interest of the said Commissioners in the same.
To hold unto the said A. B., his Executors, Administrators and Assigns
until the sum of together with
interest for the same at the rate of for every
hundred Rupees by the year be satisfied (the principal sum to be repaid
at the of years from the date hereof)—(in case any certain
period be agreed upon for that purpose.)

Given under our common seal this day of
in the year of our Lord and signed by us at our meeting
on the said day.

A. B. Commissioner.

C. D. „

E. F. „

SCHEDULE B.

ACT No. XXII. OF 1847.

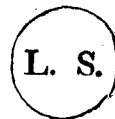
SCHEDULE B.

FORM OF TRANSFER OF MORTGAGE.

I, A. B., of in consideration of the sum of paid
to me by G. H. of do hereby transfer to the said G. H., his
Executors, Administrators and Assigns a certain Mortgage Number
 made by the Commissioners appointed and acting under
and by authority of Acts No. XVI. and No. XXII. of 1847, of the Legis-
lative Council of India, bearing date the day of for
securing the sum of Company's Rupees and interest (*or if such
transfer be by indorsement* the within security) and all my right, estate
and interest in and to the money thereby secured, and in and to the
rates and property thereby assigned.

In witness whereof I have hereunto set my hand and seal this
 day of in the year of our Lord

A. B.



Civil Courts' Law No. 4340 of 1847

ACT No. XXIII. OF 1847.

*Passed by the Right Hon'ble the Governor General of
India in Council on the 31st of December, 1847.*

An Act for the amendment of Act No. XXXI. of 1838.

WHEREAS by Act No. XXXI. of 1838, Section XVII. it is enacted, that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding fifteen years, *nor less than ten years*, or to be imprisoned for any term not exceeding three years :

It is hereby enacted, that so much of the above cited Section of the said Act as enacts that the term of transportation thereby limited *shall not be for less than ten years*, be repealed.



